

MRPG/DP3625

19<sup>th</sup> February 2020

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Dear Sirs,

**ISLE OF DOGS NEIGHBOURHOOD PLAN 2019 - 2031  
REGULATION 14 CONSULTATION DRAFT, DATED 11<sup>TH</sup> OCTOBER 2019  
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, October 2019 (draft Plan).

ABPL has recently submitted, alongside ASDA Stores Ltd, an application for planning permission relating to the redevelopment of the Asda Crossharbour site, located off East Ferry Road on the Isle of Dogs. The application for planning permission has been prepared following extensive discussions with the LB Tower Hamlets and GLA and following meetings with local interest groups, including councillors. Public consultation events have also been held.

The application promotes the comprehensive redevelopment of the site for, amongst others, new supermarket, additional retail floor area, community facilities, school, office and commercial uses, alongside up to 2,000 residential units.

**Planning Context**

National Planning Policy Framework

The NPPF, paragraph 29, notes that neighbourhood planning gives communities the power to develop a shared vision for their area. A Neighbourhood Plan can “...shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.”

Importantly, para 29 NPPF makes clear that: “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

Planning Practice Guidance, Neighbourhood planning

The PPG reiterates the advice in the NPPF and sets out advice as to the basic conditions and legal requirements that a draft neighbourhood plan must meet 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)."*

### **Crossharbour District Centre**

The Local Plan was recently adopted. The Local Plan includes the Site Allocation for Crossharbour Town Centre. The 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 has been identified for well over 10 years in planning policy documents as a strategic site allocation for the delivery of new homes, retail and other district centre uses. In 2014 planning permission was granted for the redevelopment of the site for a new supermarket, large scale 'big box' retail alongside 850 homes.

The current application for planning permission provides a much-enhanced scheme of development including significant infrastructure provisions as set out by the Local Plan, and including a 3FE primary school, new community space of circa 1,800 sq m, improved bus layover facilities, large areas of new publicly accessible open space alongside improved links to the Mudchute Park and Farm to the south and Glengall Grove to the north. The existing petrol filling station is to be re-provided.

The Local Plan 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 Neighbourhood 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 Neighbourhood Plan**

ABPL is committed to fully engaging in the process of the preparation of the development plan and has made representations to the draft versions of the Local Plan including participating in the EIP. ABPL has also participated in the preparation of the Neighbourhood Plan and attended at the Examination to the previous Submission draft in May 2018.



ABPL submitted comments to the first draft consultation of this draft Neighbourhood Plan in May 2019. It is noted that regrettably very few of the comments made by ABPL have been reflected in the version now submitted to the Council. As such, many of the comments previously made are set out once again.

It is important that the proposed redevelopment of the Crossharbour Town Centre is not frustrated in its delivery by conflicting statements and visions. Policy and guidance for the borough, Isle of Dogs and relating to Crossharbour town centre should reflect the strategic opportunity that this part of London has to offer.

1. **Page 5 of 56, Glossary of terms: PTAL:** Whilst the definition provided is that of the Neighbourhood Forum it is inaccurate in the way it seeks to describe the public transport accessibility level. As is often unhelpfully portrayed the PTAL approach does not set maximum densities.
2. **Page 7 of 56, para 2.7:** the draft states that large residential developments should only be permitted *“after all the infrastructure and services needed to support them and all the other developments nearby have been fully considered for and allowed for.”* The need to ensure that relevant infrastructure is provided is understood. The statement at para 2.7 is unhelpful and unrealistic in its ambition and implies a master plan type approach to the Area.
3. **Page 12 of 56, para 4.4.1.1:** The wording used should be further considered and justified. What defines / determines *“unprecedented residential development density”* It is unhelpful to refer to *“...many large and closely packed residential buildings...”* How is this defined. The use of the words *“closely packed”* implies a subjective judgement.
4. **Page 15 of 56, Policy D1:** The policy will merely add to the extensive list of planning application documents that are already required. Who defines what the Infrastructure Impact Assessment is? Who assesses the inputs to this? Who determines what is proportionate? At present planning applications are required to submit a plethora of supporting documents including, where an Environmental Impact Assessment is not required, other more general impact assessment documents. These documents provide the information that the Forum consider should be provided by a separate Infrastructure Impact Assessment document. It is of course noted that all applications for planning permission are subject of statutory consultation processes including with infrastructure providers who will comment and feedback in relation to individual schemes and their likely impact on existing infrastructure.
5. **Page 16 of 56, para 4.4.4.1** The Infrastructure Baseline Analysis is referenced here. Firstly, it is noted that the document, which is listed as Appendix 1 to the Plan, is not referenced as such on the Council website. It is therefore not immediately obvious which is the relevant document. The document is prepared by the Forum. As in May 2019, can it be explained how the Analysis has been compiled? Who has determined that there are deficits or surfeits? Is it agreed with the Local Planning Authority? Does it contradict the current Council evidence base?

From an initial review of the document the following questions are raised: the analysis of open space is incomplete. How reliable therefore is the data presented? Why is Mudchute Park listed as an area of 13 acres when the Park is over 30 acres? Where has the retail floor area for ASDA been obtained? What are and how have the assumptions been made in the *“Estimate of population increase”* table regarding the ASDA site?

6. **Page 17 of 56, Policy D2:** This states that development schemes at over 1,100hrha with a PTAL of 5 or less should specify how they conform to the GLA Housing SPG. Why the focus on a density figure for compliance with the guidance in the Housing SPG? The GLA in the emerging London Plan removes reference to the density matrix and was at pains to clarify that the matrix was a guide only and not a tool to be rigidly applied. Something sadly ignored by many. The Forum consider reference to PTAL 5 is appropriate as there are no sites in the Area above PTAL 5. Rather ignores that PTAL can vary over time



and may well improve above the currently stated figure. Should the policy remain then it does not seem sensible to limit the reference to PTAL 5 or below.

7. **Page 17 of 56, para 4.4.6.2 - 4.4.6.4:** The text seeks to justify why Policy D2 is required. The implication is that both officers and members have, when determining applications for planning permission, failed to properly consider schemes and their impact on infrastructure provision on the Ilse of Dogs. Policy D2 will apply an arbitrary benchmark level against which to assess scheme suitability. Arguably placing greater emphasis on a numerical calculation as opposed to a focus on quality of design. Reliance for the density benchmark on comments by the Outer London Commission seems entirely inappropriate for this central London site.
8. **Page 20 of 56, Policy ES1:** The requirement to submit, alongside applications for strategic development, a feasibility study and impact assessment for meanwhile uses, is unreasonable, unnecessary and unrealistic. To require that such temporary uses are implemented if construction is delayed more than six months after a grant of planning permission is also unreasonable and unrealistic. There are many reasons why development might not progress following a grant of planning permission. In any event, the six-month period is too short to allow for pre-commencement conditions to be cleared, contractors to be appointed, enabling works to be scheduled and then carried out etc. The idea that implementation of a temporary use might 'freeze' the planning permission effectively means that the Council must, as a matter of course, issue permissions beyond the standard 3-year term. The policy would better focus on a desire of the Forum to work with developers where possible to deliver meanwhile uses at suitable sites. A blanket requirement is likely to prove counterproductive.
9. **Page 23 of 56, Policy CC1:** The policy is unnecessary. Where such changes are material then, as now, a revised CMP would be submitted to the Council for approval. Any revised document will be subject of consultation. At that stage interested parties can comment in relation to any changes.
10. **Page 24 of 56, Policy CC2:** This is unnecessary and duplicates processes already in place. Any application to vary working hours or conditions must be approved by the Council and so will be subject to submission of an application that will be the subject of consultation.
11. **Page 25 of 56, Policy CC3:** This seems unnecessary. Application documents will, as appropriate, have to address the relevant requirements of planning policy and guidance.
12. **Page 27 of 56, Policy SD1:** The policy duplicates the requirements already in place at the local and regional level. It is inappropriate to require that applications state compliance or not with the Home Quality Mark; this standard is not a planning requirement.
13. **Page 29 of 56, Policy AQ1:** The policy should not duplicate current policy and guidance. It does and is unnecessary.
14. **Page 32 of 56, Policy 3D1:** At present, all schemes that are of a strategic nature typically supply a 3D model to the Council for officer assessment alongside townscape views etc. Why though should "*any strategic development*" have to submit such a model. The policy duplicates current requirements and is unnecessary. Also, it seems unreasonable to require that information about internal layout is made available "where it assists emergency services or other interested parties". There may occasionally be a requirement by emergency services to understand such arrangements but this does not extend more widely. Internal layout is typically not the subject of planning control and as currently worded the policy could allow for unreasonable demands being made in respect of the provision of information.
15. **Page 50 of 56, Policy GR1:** Whilst in the Annex and not part of the draft Plan, the requirements of Policy GR1 are unreasonable. The "Annex Aspiration", which is still presented like the policies of the draft Plan, will impose on developers' requirements regarding membership of resident associations alongside the production of model constitutions etc that go beyond what is currently lawfully required.



It is inappropriate therefore to reference these provisions being captured in a S106 Agreement, even if an “aspiration”.

**Conclusion**

ABPL is focused on the development out of the Crossharbour town centre site. The policies of the Neighbourhood Plan should not be such that they threaten the ability to achieve strategic housing targets and the delivery of infrastructure associated with the development out of the strategic site allocation.

At present 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.

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

Yours faithfully

**DP9 Ltd**

PD/BL/P7532  
19 February 2020

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Strategic Planning Team, Place Division  
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Dear Sir / Madam

**Second Isle of Dogs Neighbourhood Plan: The Basic Plan 2019-2031  
Representation for the Ballymore Group on Regulation 16 consultation**

We write on behalf of our client, the Ballymore Group, to make representations to the Regulation 16 consultation of the Isle of Dogs Neighbourhood Plan (Basic Plan) 2019-2031.

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 delivered or are delivering a significant number of dwellings to meet local housing targets:

- Pan Peninsula – 762 residential units on Marsh Wall – Completed;
- 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 – Nearing Completion;
- 3 Millharbour and 6, 7 and 8 South Quay Square – 1,513 residential units, 14,201 sq. m of education floorspace (including a new 2-form entry primary school), 5,391 sq. m of commercial/retail floorspace and two public parks – Construction to commence shortly; and
- Cuba Street – Approximately 400 new residential units, including a significant number of family size and affordable homes and a new public park – Subject to pre-application discussions.

Ballymore are expressly interested in the delivery of extremely high quality schemes on their sites in an appropriate timeframe. They do not secure permission to land bank which is demonstrated by the number of schemes currently under construction on the Isle of Dogs. Ballymore is therefore understandably keen to ensure that existing and emerging planning policy does not set out any potentially unreasonable or inappropriate barriers to new development coming forward and that it instead encourages sustainable development within the Isle of Dogs and across the Borough as a whole.

It is for this reason that Ballymore have been actively involved, through various representations, in consultation on the newly adopted LB Tower Hamlets Local Plan (January 2020) and the draft

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London Plan. 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.

### **Comments on draft 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 visions and objectives set out on page 7 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.

Notwithstanding this certain aspects of the draft Neighbourhood Plan, of particular relevance to our client, do raise concern. We have therefore set out below some observations and comments for the Forum's consideration.

#### Vision and Objectives

Ballymore are a major developer in the Borough, particularly in the Isle of Dogs, and are supportive of the majority of the key objectives and visions for the area set out in the Plan as they will help to make the Isle of Dogs a pleasant place to live and work. However, our client has significant reservations about the statement in paragraph 2.7 of the draft Plan that

*“Core to this is the need for large proposed residential developments only to be permitted after all the infrastructure and services needed to support them and all the other developments nearby have been fully considered and allowed for.”*

The current wording of the above statement suggests that there would be a moratorium on approving any further residential development on the Isle of Dogs until such time as the infrastructure deemed necessary to support that residential development (and all other developments nearby) has been delivered or planned for.

This interpretation is derived from the misleading use of the term ‘allowed for’. With the exception of instances where certain pieces of physical infrastructure (such as a school or medical centre) are being delivered as part of their residential proposals it would not be possible for developers to provide sufficient clarity that all the infrastructure and services needed to support the development will be delivered as this is beyond their gift.

The Applicant is only able to commit to the payment of the Community Infrastructure Levy and any other S106 obligations that are deemed necessary to mitigate the impact of the development (this point is discussed further in response to emerging Policies D1 and D2 below). We would therefore request that paragraph 2.7 of the draft Plan is appropriately reworded to reflect this reality.

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### Policy D1 – Infrastructure Impact Assessment

Draft Policy D1 seeks to require developers to submit an Infrastructure Impact Assessment with all planning applications for Major and Strategic developments to identify whether sufficient infrastructure capacity exists to support the proposed densities (including the impact of cumulative development). The draft policy then goes on to state that if this assessment identifies a deficiency in infrastructure capacity then the proposals will need to meet this deficiency through on-site provision within the proposals and/or by the payment of contributions to local infrastructure that is proportionate to the scale of the development.

Notwithstanding the lack of any clarity within the draft Policy or its supportive text as to how a contribution would be proportionally calculated based on the scale of the development, our client has fundamental concerns about the appropriateness of such a policy as set out below.

Ballymore fully agrees that major and strategic developments should have to contribute to the improvement of existing and the provision of new infrastructure on the Isle of Dogs in order to mitigate the impact of the new population. In this regard they have agreed through their redevelopment schemes on the island to-date to physically deliver a number of important infrastructure improvements including a new primary school, three new public parks, a new theatre, a community centre, a Montessori school, the diversion and upgrade of the Marsh Wall sewer and a range of flexible commercial/community uses.

In addition to this, and the delivery of substantial levels of affordable housing for the Borough, Ballymore have also committed to the payment of multi-million Community Infrastructure Levy (CIL) contributions. As stipulated by the CIL Regulations, the payment of these CIL contributions should be used by the Council to support the provision, improvement, replacement, operation and maintenance of a wide range of local and strategic infrastructure that is needed to support growth and development in the borough. This includes infrastructure projects such as strategic transport facilities, strategic flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.

This is further emphasised by the LB Tower Hamlets Regulation 123 List (adopted September 2016) which lists the types of infrastructure projects that Tower Hamlets intends will be, or may be, wholly or partly funded by CIL. These types of strategic infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance):

- Community facilities;
- Electricity supplies to all Council managed markets;
- Employment and training facilities;
- Energy and sustainability (including waste) infrastructure;
- Flood defences;
- Health and social care facilities;
- Infrastructure dedicated to public safety (for example, wider CCTV coverage);
- Leisure facilities such as sports facilities, libraries and Idea Stores;
- Open space, parks and tree planting;
- Public art provision;
- Public education facilities; and
- Roads and other transport facilities

It is within this context that our client would strongly object to the potential requirement under draft Policy D1 for a residential developer to pay further contributions to the upgrade of local infrastructure



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(beyond the CIL obligation) if an Infrastructure Impact Assessment identifies any infrastructure deficiency caused by the proposals (and other cumulative developments). To impose such an additional financial contribution on a residential development would, in our client's view, represent 'double dipping' contrary to the CIL Regulations. This view is consistent with paragraphs 1.2 and 1.3 of the LB Tower Hamlets Planning Obligations SPD which state:

*"1.2 Local Planning Authorities (LPAs) adopting CIL are required under CIL Regulation 123 (Reg 123) to prepare and publish a list of those items or types of infrastructure to fund through CIL. Regulation 123(2) of the CIL Regulations 2010 (as amended) provide, insofar as is relevant that:*

*"A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding of relevant infrastructure."*

*1.3 Relevant infrastructure refers to the infrastructure included on the LPAs Regulation 123 List of infrastructure types or projects that it intends will be, or may be, wholly or partly funded by CIL. The purpose of this is to prevent 'double dipping,' whereby developers are required to pay twice for the same item of infrastructure both through CIL and S106 obligations. In practical terms, this means that if an infrastructure project or type of infrastructure is included in the Regulation 123 List, the local planning authority cannot secure S106 obligations in respect of that project or type."*

As stated earlier, our client does not object to the requirement for a major residential development to mitigate its impact on the local community in which it is proposed. However, the submission of an Infrastructure Impact Assessment as part of a planning application appears unnecessary given that detailed assessments of issues such as transport and utilities would already be covered by other submitted assessments and that the developer can only meet infrastructure deficiencies through the provision of on-site infrastructure and the payment of CIL and site-specific S106 contributions.

It is therefore not considered lawful or appropriate to expect the developer to also pay additional (and potentially substantial) financial contributions for the upgrade of infrastructure, particularly where this relates to the upgrade of services or facilities that are outside the control of the developer and indeed the Council (such as public transport and water supply). The scale of such obligations would undoubtedly threaten the ability of a site to be developed viably, something which is strongly warned against in Paragraph 173 of the NPPF, and may ultimately compromise the delivery of other important strategic policy objectives in the Borough, particularly strategic levels of housing and of course affordable housing.

The recently published Isle of Dogs and South Poplar Opportunity Area Planning Framework 2019 is accompanied by a detailed Development Infrastructure Funding Study (DIFS) which details how the necessary infrastructure can be partially delivered through mainstream funding as well as CIL and S106 contributions. It sets out further multiple options that could be explored to address the funding gap, none of which include requesting additional financial contributions from approved developments.

It is inferred in the draft Neighbourhood Plan that any additional financial contributions could be used to fund upgrades to public transport it is worth noting for example that the Government announced in November 2018 that £291 million would be invested in the DLR network as part of the Housing Infrastructure Fund to unlock housing within the Isle of Dogs and Royal Docks. It is envisaged that the increase in train frequencies and expanded capacity on the network created by this investment would mitigate the increase in DLR usage generated by development. The completion of the South

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Dock Bridge would also improve access to Canary Wharf for pedestrians and further alleviate the pressure on the DLR capacity.

In respect of matters such as water supply, it should also be recognised that water network upgrades are a commercial matter between the Applicant and Thames Water and that the developer will contribute towards this upgrade as part of the delivery of the approved development (otherwise it will not proceed).

Further to this above, it is concerned that paragraph 4.4.2.4 of the Plan states that if a development is contingent on the provision of new infrastructure then the development should be phased accordingly. This makes the delivery of schemes within the Isle of Dogs unreasonably reliant on other bodies (such as TfL, DLR and Thames Water) to upgrade their services and provide improvements to infrastructure, which are outside of the control of the developer.

#### Policy D2 – High Density Developments

Draft Policy D2 seeks to require all residential developments which exceed a density of 1,100 habitable rooms per hectare to comply with the GLA's Housing SPG and applications which do not adequately demonstrate this will be considered unacceptable.

In the first instance our client would question the use of the existing London Plan density limit of 1,100 habitable rooms per hectare as the density range is proposed to be omitted from the new London Plan in favour of a design-led approach to the assessment of residential density that optimises the capacity of sites. In line with the emerging London Plan the newly adopted Local Plan does not set defined density targets for new development. To apply the use of the 1,100 habitable rooms per hectare density threshold in this policy would not therefore be considered to align with the latest strategic and local policy position.

Furthermore, it is questioned whether it is necessary for the draft Neighbourhood Plan to include a policy requiring major residential developments to comply with the GLA's Housing SPG. The Local Plan already states the following in Paragraph 9.43 of the supporting text for Policy D.H3 (Housing standards and quality):

*“Part 1(a) and (b) seeks to ensure all housing development provides adequate internal space to meet relevant space, accessibility and amenity standards and provide an appropriate living environment. It requires development to comply, as a minimum, with the space and accessibility standards set out in the London Plan (GLA, 2016) and the Housing Supplementary Planning Guidance (GLA, 2016), whilst having regard to the particular needs of residents in the borough as well as the increasingly dense character of the built form.”*

Furthermore, Local Plan policies Policy D.DH7 (Density) and D.DH7 (Tall Buildings) and draft London Plan Policies D3 and D9 require developments to be assessed against clearly defined criteria that are generally in line with the GLA Housing SPG criteria.

There is therefore already more than sufficient policy to ensure tall buildings and high density residential schemes are required to be of a high standard of design in compliance with the GLA's Housing Design Guide. We would therefore recommend that draft Policy D2 is omitted from the draft Neighbourhood Plan to avoid duplication over and above adopted planning policy.

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### Policy ES1 – Use of Empty Sites

Ballymore support the aims of Policy ES1 to prevent sites from becoming vacant and unsightly whilst they await redevelopment by encouraging wider public benefits to the local community through Meanwhile Uses. Ballymore have actively sought to promote Meanwhile Uses on their own sites, including the Council's recent grant of planning permission for a temporary hotel, constructed of shipping containers, on their Cuba Street redevelopment site (application reference: PA/19/01618).

However, our client would raise concerns over the practicalities of implementing this policy as currently drafted. The requirement in paragraph 4.5.2.1.1 of the policy to submit a feasibility study that examines the potential for Meanwhile uses on the site (if the development is not commenced within six months of gaining planning consent) as part of a planning application for strategic development is considered to be premature. As many developers will have strong intentions to deliver the scheme once planning permission has been granted this hypothetical assessment is considered to be an unreasonable additional planning application requirement.

The potential introduction of Meanwhile Uses on the site is not a material planning consideration in Council's determination of the acceptability of major redevelopment schemes. It is therefore our client's view that the requirement for the preparation of a feasibility study for Meanwhile Uses should be moved from being a planning application requirement to a planning condition or S106 Obligation attached to any grant of planning permission.

Furthermore, Draft Policy ES1 suggests that Meanwhile Uses should be implemented on the site if the development is not begun within six months of gaining final planning consent. Given the time required to discharge pre-commencement planning conditions in advance of the implementation of a planning permission, as well as the extent of site preparation required to be undertaken (including compiling a team of construction workers and relevant consultants; the erection of hoarding, archaeological trenching, de-contamination, the provision of sewerage infrastructure etc) it is not considered reasonable or practicable to introduce Meanwhile Uses within six months of the planning permission.

As an alternative a planning condition or S106 Obligation could instead be included with any planning permission, requiring the submission of a feasibility study for Meanwhile Uses on the site if the planning permission has not been implemented by that point (or if the lawful active use of the site is maintained). A requirement could also be included that any Meanwhile Uses approved by the Council would then have to be introduced on the site within 18 months of the grant of planning permission, or a similar timeline as the Council see fit.

In addition to the above suggested amendments, paragraphs 4.5.2.1.2 to 4.5.2.1.3.2 are considered unnecessarily lengthy and ambiguous. It is considered that a more concise single paragraph could be drafted that clearly sets out the requirement. This should include clarification of whether the 'relevant Construction Management Plan' requires approval by the Council, and relates solely to the works associated with the introduction of the Meanwhile Uses, as contractor for the strategic development may not yet be appointed.

Ballymore supports the proposal in Paragraph 4.5.2.3.2 of the draft Policy ES1 to extend the time limit of planning permission for a Strategic Development from 3 to 5 years as an incentive for developers to introduce Meanwhile Uses on to vacant sites. However, there is concern at present that the wording of this paragraph infers that if a developer is to avail of the extension of planning permission to 5 years the Meanwhile Use must remain on the site immediately up until the implementation of the planning permission. It does not allow for the fact that Meanwhile Uses may

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choose to leave the site in advance of this date or that substantial works would be required to ensure that the planning permission is implemented in advance of its expiry.

It is suggested in Paragraph 4.5.3.2 of the supporting text for the policy that Meanwhile Uses could be used to freeze planning consents. In line with this aspiration we therefore suggest that Paragraph 4.5.2.3.2 of the draft Policy ES1 is amended so that the planning permission can be extended by the amount of time the Meanwhile Use is being implemented, up to a maximum of an additional two years (five years in total). To facilitate this, a clause could be included in the Section 106 Agreement that requires developers to notify the Council when the Meanwhile Use is implemented and when the Meanwhile Use ceases. The Council could then respond appropriately with a confirmation of the amended date of expiry of the planning permission

Finally, there is currently a lack of clarity in the wording of the policy as to whether the implementation of the Meanwhile Use on the site would not constitute commencement of the approved Strategic Development. It is important that such clarification is included so that developments can be reassured that Meanwhile Uses will not trigger the payment for CIL and S106 contributions or require the discharge of pre-commencement conditions.

#### Policies CC1 and CC2 - Construction Coordination and Communication

As part of the Considerate Constructors Scheme, Ballymore have always committed to providing the local community with updates of the progress of construction on-site. This includes having a direct contact for local residents, a website that is updated regularly and notices on the hoardings surrounding the site.

It is recognised that it may be necessary for an applicant or a contractor to adapt or amend a Construction Management Plan (CMP) during the course of the construction of a major development. It is also understood why local residents might appreciate the opportunity to review and comment on such amendments. However, the supporting text for Policy CC1 currently suggests that the applicant or their contractor must consult with local ward councillors and residents in advance of formally submitting any amended CMP to the Council for approval.

Given the time constraints associated with the delivery of major developments on a site this is considered to be an overly onerous requirement that is likely to have major impacts on the programme for delivery of important developments in the Borough. It is our view that the most effective way to consult the local community on Construction Management Plans (CMPs) and hours of work is through the Council's regular local consultation platform following the formal submission of the information. This will ensure greater consistency and enforceability in the notification of the local community. It is suggested that this public consultation requirement could be adopted into the Council's consultation charter to ensure it is carried out.

#### Policies CC3 – Control of Dust and Emissions during Construction and Demolition

Ballymore support the consideration of the GLA's Dust and Emissions SPG in the preparation of Construction Management Plans. The requirement for construction management plans to specify how they comply with the GLA's Dust and Emissions SPG is already stipulated in the draft London Plan Policy S11 and Local Plan Policy D.SG4. The inclusion of this requirement in the above Policy CC3 is therefore considered an unnecessary duplication and should be omitted.

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#### Policy SD1 - Sustainable Design

Draft Policy SD1 seeks to support sustainable development within the Isle of Dogs and identifies a number of standards which new development should seek to achieve (such as BREEAM 'Excellent'). Ballymore support the aim of achieving sustainable development and the ambitions of this policy, however, if the Council wish to avoid duplication of policies then draft Policy SD1 should be removed as it is already covered by Local Plan Policy D.ES7.

#### Policy AQ1 - Air Quality

Draft Policy AQ1 seeks to ensure that new developments do not cause harm to air quality within the Isle of Dogs and states that any proposals that result in a significant increase in air pollution will only be justified in exceptional circumstances. Ballymore are supportive of this policy in principle and the intention to improve air quality within the Isle of Dogs.

However, it is suggested that paragraph 4.8.2.2 is amended so that the term 'whichever is the more stringent' is replaced with 'whichever is applicable at the time' in respect of EU and UK environmental requirements. This is to allow for any change in the application of EU versus UK environmental requirements through the lifetime of this Neighbourhood Plan.

#### Policy 3D1 - 3D Model for Applications

Ballymore support the use of 3D model technology in the comprehensive assessment of development proposals by Council planning officers, Committee Members and the local community. In this respect they have no issue with multiple views and potentially fly-through presentations of proposals being presented to the Council's Strategic Development Committee, provided that the nature of this information is agreed between all parties in advance.

There are also outstanding concerns about the submission of a 3D Model to the Council for their use due to copyright issues on the part of architectural practices. Before the adoption of this policy it is important for the Council and the Neighbourhood Forum to be reassured from a copyright law perspective that it is reasonable and appropriate to request that 3D model information is submitted with a planning application.

#### Other Matters

As a whole, the paragraph numbering across the Neighbourhood Plan is convoluted and should be simplified to allow for ease of use; for example, the policies do not require a paragraph number and the points within each policy box do not have to follow the same numbering as elsewhere in the main body of the Plan. A similar formatting and numbering style to the adopted Local Plan would be more helpful and would make it easier for readers to find the relevant part / paragraph.

#### **Conclusion**

Our client generally supports the objectives and the intentions behind the policies within the draft Isle of Dogs Neighbourhood Plan. However, as set out within these representations the wording of certain policies, particularly draft policies D1 and D2, is currently concerning and has the potential to represent a highly onerous imposition on developers that may jeopardise the delivery of strategic development in the area.

Ballymore – representation on the Isle of Dogs Neighbourhood Plan  
February 2020

Yours faithfully

*Philip Dunphy*

For and on behalf of  
Rolfe Judd Planning Limited

cc John Turner - Ballymore Group

19 February 2020



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Dear Sir/Madam,

### **Isle of Dogs Neighbourhood Plan 2019-2031: Regulation 16 Consultation.**

We welcome the opportunity to comment on the London Borough of Tower Hamlets (LBTH) Isle of Dogs Neighbourhood Plan (IoDNP) 2019-2031: Regulation 16. We write on behalf of Berkeley Homes (South East London) Ltd and set out our observations and suggested amendments to the emerging IoDNP.

We look forward to working with the Council so that the plan can facilitate sustainable development, responds positively to the Government's agenda for growth, and accords with tests of 'soundness' as set out within the National Planning Policy Framework (NPPF) (2019).

Berkeley Group, London's leading residential developer, is committed to deliver high quality new homes and create exceptional new places, and is committed to doing so in Tower Hamlets. The Berkeley Group owns London Dock, Goodman's Fields and South Quay Plaza. Together these sites make a substantial contribution to the Council's housing targets.

Berkeley Group has been working closely with the Council's development management team over the years to bring forward proposals for these sites, and wishes to take a similarly pro-active approach for these and potential future sites in the Borough.

### **Representations to Regulation 16 Consultation**

Tower Hamlets is uniquely placed in London to act as a focus for growth and any new plan must recognise and reflect this in its ambition. We are pleased to note that this sentiment is captured in the emerging IoDNP and would expect all decisions on policy direction to be framed and taken in this context. In order to ensure clarity in decision making, it would be helpful if a statement to this effect could be included at the front of the plan.

#### ***Section 1: Glossary of Terms***

We support the proposed Glossary of Terms at the outset of the IoDNP and consider it to be an appropriate means of ensuring that the Plan is accessible to all members of society. We do however object to the proposed definition of Public Transport Accessibility Level (PTAL) as it is currently worded, which is reproduced below for reference:

*PTAL – Public Transport Accessibility Level, used as a measure to determine appropriate maximum development densities by TfL.*

The above definition of PTAL is out of date and should be changed. It should be acknowledged that the tests are now much broader than density alone and consider a range of design led matters.

## Section 2: Vision and Objectives

We welcome the draft vision to establish a high quality of life for all residents and workers – both those already here and still to come.

However, in paragraph 2.7, we note the text makes reference for large residential development to only be permitted after all infrastructure and services needed to support them and all other developments nearby have been fully considered and allowed for.

Officers will be aware that London Borough of Tower Hamlets have recently adopted their Local Development Plan, adopted January 2020 which allocates growth to the Isle of Dogs based on a thorough evidence based review. This evidence base has assessed the availability and suitability of infrastructure to support planned growth and that plan has been found sound. There is therefore no need or basis for the Neighbourhood Plan to question the assumptions made therein and text which purports to challenge the availability of infrastructure to support planned growth should therefore be deleted from this Neighbourhood Plan as it is likely to cause confusion in the decision making process. In fact, it would be helpful if a statement could be included in the Neighbourhood Plan that acknowledges and accepts that the Isle of Dogs has been identified for significant growth in the Local Development Plan on a full and recent assessment of the available evidence relating to infrastructure provision. In terms of timing, it is acknowledged that any additional infrastructure ought to be brought forward in a timely manner but where this is planned for, otherwise beneficial development to provide jobs and homes and affordable homes which all meet a pressing need should not be artificially delayed.

It is also relevant to note that all large residential planning applications (10 units +) as set out within the LBTH validation checklist are required to provide a Sustainability Assessment as part of the planning submission. The Sustainability Assessment examines the social, environmental and economic effects of the national strategies and policies in a local development document to ensure that a proposal is in accordance with sustainable development practice. This document is available to members when making their decisions and considers the actual impacts of each developments. The Development Plan and Neighbourhood Plan are necessarily broad brush and cannot provide such a considered site by site assessment.

In addition, in terms of cumulative impact, we note, as part of an Environmental Impact Assessment which is a requirement of all large scale development proposals, that any proposals for development must take into consideration all other developments nearby. Accordingly, the consideration for existing and future residents is considered throughout the planning application and there is no need to duplicate this provision in the Neighbourhood Plan.

Likewise, we suggest that it would be a more balanced plan if the emerging vision recognised that there remains a 'desperate' and 'pressing' need for new housing and affordable housing. As stated within the LBTH Local Plan (2020), the minimum number of additional homes the Isle of Dogs and South Poplar districts need to provide between 2016 - 2031 is 31,209. This equals 57% of the minimum total additional housing requirements for Tower Hamlets. Therefore, we propose the vision to make note of the need for additional housing.

### **Draft Policy D1 Infrastructure Impact Assessment**

Page 9 of the draft IoDNP sets out a summary of Neighbourhood Plan Policies.

The summary of Chapter 1 and Draft Policy D1 (Infrastructure Impact Assessment) at paragraph 3.5 states that:

*Applications for Major and Strategic Developments to be accompanied by Infrastructure Impact Assessments enabling planning officers and committees to assess Infrastructure capacity. Potential Infrastructure improvements to be proposed and assessed where the Infrastructure Impact Assessment suggests Infrastructure is insufficient. If negative impacts cannot be mitigated, applications should be considered unacceptable.*



We welcome the IoDNP ambition to ensure the right infrastructure is in place to support emerging developments. However, we note the Infrastructure Impact Assessment can be carried out as part of a Transport Assessment or as part of the Environmental Impact Assessment, as set out within the LBTH Validation Checklist for Major Applications. The EIA will include a specific cumulative impact assessment with the schemes recently approved or currently underway in the vicinity of the site. Again, as set out in the NPPF unnecessary duplication should be avoided. The inclusion of this policy does not meet that test.

We also suggest the Neighbourhood Forum seeks clarification with LBTH in regards to the deployment of their CIL monies to address infrastructure matters.

Notwithstanding the above, the Local Plan is the tool that considers and identifies infrastructure requirements to support planned growth. Where contributions are collected from developers to fund infrastructure, it is the responsibility of the Council to enable delivery of that infrastructure in a timely fashion. The benefits of development should not be delayed where a developer has made the requisite contributions to the local authority for their attention and action, whatever the programme the local authority elect to work to.

### ***Types of Infrastructure***

We note within paragraph 4.4.1.6, the IoDNP makes reference to the South Quay Plaza (SQP) development as an example where the proposal did not provide infrastructure on site. Currently the draft plan, only mentions PA/14/00944 (SQP 1-3+). We would welcome the inclusion of SQP 4 (PA/15/03073) as there are significant infrastructure contributions across both sites. SQP thus far has provided a range of contributions, such as:

- Affordable Housing
- Bridge contributions
- CIL Monies

Additionally, in relation to the inclusion of SQP 4, with respect to play space, we are providing play space in the park and SQP 4, also on the first floor of the building. We suggest the following corrections should be made on the table:

- SQP 1-3+
  - o Health Contribution - £1.074m
  - o Primary School Contribution - £1.254m
  - o Secondary School Contribution £0.874m
  - o Pedestrian Footbridge Contribution - £0.48m
  - o Nursery provision
- SQP 4
  - o D1 space (N.B Health facility falls within D1 use)
  - o Child play space within building
  - o Bus improvement – £0.2m
  - o In addition to 49 target rent units £7.0m HA contribution

This application is a good example of how a planning balance is to be achieved and this should be recognised in the IoDNP.

As with all development proposals, the determining authority will weigh the planning balance, considering the planning benefits a specific proposal could deliver whilst also considering the viability of the scheme. In the current climate with an ever increasing demand for additional homes, greater provision of employment space and supporting infrastructure, the deliverability of schemes is also a key consideration and the viability of proposals may impact the variety of site specific planning benefits which a scheme could deliver.

### **Draft Policy D2 High Density Development**

With London's population ever growing, we support the Draft London Plan Policy GG2 Making the best use of land which has the aspiration to create successful, sustainable places that make the best use of land. We also support the aim to deliver the optimum development capacity of sites, which may bring development forward in a variety of forms including high density development.

Draft Policy D2 (High density developments) at paragraph 4.4.5 states that:

*High density developments to specify how they conform to the GLA's Housing SPG.*

We support IoDNP commitment to achieving high quality residential developments as noted within the GLA's Housing SPG. In our experience conformity with the SPG is usually addressed in the design and access statement submitted in support of any application. This policy appears to add little and is again inconsistent with the NPPF objective to streamline and avoid duplication in the planning process and should be removed. The policy also unhelpfully focuses on a single aspect of a scheme and would be better constructed if it was to require development to be supported by a benefits statement that might amongst other matters, include an analysis of the SPG (as guided by the emerging London Plan policy D8 Public Realm). Notwithstanding this, any such policy would still duplicate existing guidance and fail the tests.

Additionally, the emerging London Plan policy is expected to be supplemented by a new residential design guidance document which will supersede the Housing SPG (2016) and the previous London Housing Design Guide.

### **Draft Policy ES1 Use of Empty Sites**

We fully support the IoDNP ambition to encourage developers to use empty sites in a way that will benefit the community, as set out within paragraph 4.5.2 Policy ES1 Use of Empty Sites.

However, we also recognise that draft Policy ES1 may be challenging in a difficult market. Practical constraints may also prevent meanwhile uses from coming forward such as site preparation works or contaminated land. Developers might have restricted use to the development land through legal obligations and as such may not be able to implement a meanwhile use on the site prior to construction.

Additionally, paragraph 4.5.2.3.2 notes a five year time period to implement a permission with the use of a meanwhile use. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, planning permissions normally have three years from the date it is granted to begin the development.

We would therefore suggest that the text of draft Policy ES1 is amended to read:

*Developers will be positively encouraged to identify opportunities for meanwhile uses on their sites where the opportunities arrive.*

### **Draft Policy CC1 Construction Coordination**

We welcome the IoDNP aim for a more transparent and open planning system.

Draft Policy CC1 makes note for construction management plan (CMP) changes to be notified to the local community with reasonable consultation time. We would suggest that this is brought forward in the drafting of each CMP under the provisions of conditions and any best practice guidance published by LBTH.

LBTH determine the consultees with which they consult, and it is inappropriate for the proposed Neighbourhood Plan to add new specific consultees in this document.

### **Draft Policy SD1 Sustainable Design**

Draft Policy SD1 (Sustainable Design) at 4.7.2 states that:

*Planning applications to include pre-assessments demonstrating how BREEAM standards (or any future replacement standards) will be met.*

We welcome IoDNP pledge for sustainable design. However, we note that LBTH's Local Plan Policy D.ES7 (A zero carbon borough) sets the requirements of sustainability for all new proposed developments. The policy states that "All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating." Also, as a minimum, all self-contained residential proposals will be strongly encouraged to meet the Home Quality Mark. Therefore, draft policy SD1 of the Neighbourhood Plan again duplicates existing guidance and is unnecessary.

### **Draft Policy AQ1 Air Quality**

We note that LBTH's Local Plan Policy D.ES2 sets the requirements of LBTH air quality standards for all new proposed developments. Therefore, draft policy AQ1 of the neighbourhood Plan again duplicates existing guidance and is unnecessary.

### **Draft Policy 3D1 3D Model**

We support the IoDNP ambition to embrace technology and innovation within the planning process. This aligns with the emerging London Plan Policy D2 part C, that recommends the use of visual, environmental and movement modelling/assessments to analyse potential design options for an area, site or development proposal. It should be noted that the 3D model is one part of any assessment of townscape impact/benefit and should be employed accordingly. Individuals using 3D models should have received appropriate training in their use.

In response to the proposed policy wording of Policy 3D1 (3D Model for Applications) we note that the draft Neighbourhood Plan requests a 3D model is submitted with planning applications for Strategic Development.

We note that material to be submitted in support of planning applications is defined by LBTH's validation checklist. Any proposed Neighbourhood Plan must be in accordance with the adopted Local Plan, and it is therefore not appropriate for the draft Neighbourhood Plan to add new requirements arbitrarily.

### **Section 6 – CIL Spending Priorities**

We acknowledge that this section of the draft Neighbourhood Plan is a recommendation to the LBTH only, and is not proposed as a Neighbourhood Plan Policy.

We welcome this distinction between recommendation and proposed policy, and suggest that LBTH note this and allocate CIL in line with the CIL Regulations and LBTH's Regulation 123 list.

As set out in the Community Infrastructure Levy (Amendment) Regulations 2013, Reg 8, "where all or part of a chargeable development is within an area that has a neighbourhood development plan in place the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area"

We support that this is noted in the draft Neighbourhood Plan. We anticipate that LBTH will follow the CIL Regulations fully, and suggest that the Neighbourhood Plan's suggestion at paragraph 6.1.4. that all CIL



generated in the Neighbourhood Plan area is applied to works in the Neighbourhood Plan area, or of at least direct benefit to the area can only be viewed by LBTH as a suggestion, whereas in practical terms LBTH will follow the CIL Regulations strictly.

Thank you for giving us the opportunity to comment on the emerging draft Isle of Dogs Neighbourhood Plan (IoDNP) 2019-2031: Regulation 16. We would be grateful for confirmation of receipt of these representations and look forward to some suggested dates to meet.

Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Savills", written in a cursive style.

Savills

Neighbourhood Planning Consultation  
Strategic Planning Team, Place Division  
London Borough of Tower Hamlets  
Mulberry Place  
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London  
E14 2BG

18 February 2020

## Second Isle of Dogs Neighbourhood Plan: The Basic Plan (Regulation 16 consultation)

Dear Sir / Madam

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”.

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 support wellbeing by providing important areas for recreation, biodiversity, sustainable transport, business, tourism, a focal point for cultural activities and, increasingly, a space where people 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 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. However, the Trust has previously (April 2017, February 2018 and May 2019) made representations (including in person at the examination of the first plan) on the ‘public profit reinvestment’ policy, which is now expressed in ‘Annex

### **Canal & River Trust**

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T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](mailto:canalrivertrust.org.uk/contact-us)

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

Aspiration ER9' of the latest version of the plan. We would like to make the following comments on this 'policy':

## Annex Aspiration ER9

### Principle of Public Profit Reinvestment

The examiner that considered the previous version of this policy through examination concluded that it did not meet the Basic Conditions or legal requirements. We note that the examiner did advise that the estate regeneration policies (which included this policy) could be included within an annex, as policies not concerned with the use and development of land.

It has always been our argument that the 'public profit reinvestment' policy sits outside of what the planning system is intended to control and what it is legally capable of doing. We have argued that the policy seeks to extend the use of s106 of the Town & Country Planning Act 1990 further than allowed by regulation 122 of the Community Infrastructure Regulations 2010 by requiring reinvestment of any profit in the locality, akin to a localised tax on development. Under regulation 122, a 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.

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 National Planning Policy Framework requires plans to be prepared positively, in a way that is aspirational but deliverable (para 16). It repeats the legislative tests for planning obligations (para 56) and states that viability testing should reflect the recommended approach in national planning guidance (57). The relevant NPPG contains numerous references to landowner premiums and returns for developers as perfectly appropriate 'allowances' within viability testing. At no point does it suggest that the planning system has any role in controlling how and where these should be spent.

It remains the view of the Trust that the objectives of draft policy ER9 are outside the powers of the Town & Country Planning 1990 Act and the Planning and Compulsory Purchase Act 2004 ("the Acts"). By virtue of its conflict with the Framework it does not satisfy the Basic Conditions set out within Schedule 4B, Paragraph 8 of the 1990 Act. As we have previously argued, the policy ER9 continues to discriminate between public and private sector bodies undertaking the same regeneration activities. No justification is given for the arbitrary, unfair and unreasonable sequestering of the profits made by the public sector.

Whilst the Trust agrees with the previous examiner's overall conclusion that the policy did not meet the Basic Conditions or legal requirements, we would suggest that the inconsistency with the NPPF is a more appropriate reason for doing so than his finding that the policy is not 'concerned with the use and development of land' (para 7.2 of the Examiner's report). It is noted that the examiner's conclusion has been collectively applied to the group of policies within the 'estate regeneration' section of the previous plan (which included policies on voting rights in estate regeneration schemes) to which the justification may be more applicable.

It is questionable how the Neighbourhood Forum would expect 'annex aspiration ER9' to be implemented if it is not through a significantly amended version of the national planning system. The section 'how annex aspiration ER9 works' states:

*If profit is generated by Public Landowners as a result of a successful planning application for Estate regeneration, then the S106 agreement should define the mechanism by which any such profit is either shared with LBTH, or will be invested to meet the conditions established in this Annex aspiration ER9.*

The 'policy' text at para 5.3.26.2 also references conditions and s106 agreements. These references to planning mechanisms clearly indicate that, at least in part, it is the Forum's intention that this part of the annex is intended to be concerned with the use and development of land. As a point of detail, contrary to the Forum's aspirations in this section, it is our understanding that they could not be included as a party to a s106 agreement, unless they have a legal interest in the land which is subject to development, under the terms of s106 of the Town and County Planning Act 1990.

#### National Planning Practice Guidance on Neighbourhood Plan Annexes

Paragraph 4 (ID: 41-004-20190509) of the NPPG on Neighbourhood Planning states:

*Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.*

It is important to note that this paragraph applies where the aspirations of the community are 'wider than those relating to the development and use of land'. As we have argued above, we are not clear how this aspiration is to be delivered if it is not through the planning system, which is explicitly concerned with the development and use of land. If this argument is accepted then community aspiration ER9 does not benefit from the guidance contained in this paragraph of the NPPG and accordingly, should not be included in the annex to the plan. Given that it does not meet the tests for inclusion as a development plan policy either, it must be deleted or otherwise the NP (as a whole) should be refused. To conclude otherwise would result in the Neighbourhood Plan giving rise to misleading and unrealistic community expectations of what the plan can deliver.

Where public landowners are bringing forward new development, these unrealistic expectations may result in a lack of trust between the public landowner and the community, as it will consistently fall to the public landowner to explain that the Forum's policies cannot be delivered within the legal operation of the planning system and national planning policy and that there is no other legal basis for doing so. This will harm any attempts at early engagement with the community, which the NPPF actively encourages, on the basis that it improves efficiency and effectiveness of the planning system and leads to better outcomes (paras 39 and 40). Accordingly, the inclusion of Policy ER9 will likely result in development being frustrated, contrary to the objectives of the NPPF.

Paragraph 4 of the NPPG on Neighbourhood Planning also requires that there should be clarity where proposals do not form part of the statutory development plan. We note that, following our representations in May 2019, the introduction to the annex (5.1) has been amended to indicate that the provisions in the annex:

*should therefore be taken into account by developers in putting forward relevant proposals, but they do not form part of the statutory part of this Plan.*

We welcome the recognition that the annex does not form part of the statutory plan but question the basis for the suggestions that it should be taken into account by developers (and the Council

and other stakeholders in the development process), if it is also accepted by this examiner that the policies do not relate to the development or use of land. We suggest that this statement is, however, a clear indication that the Forum intends to include policies related to the development and use of land in the annex to the plan, contrary to the expectations of the NPPG. There is a risk that this community aspiration could be seen as a material consideration in development management decisions by the local authority, with public sector developers having to resort to appeals or legal challenge.

### Drafting of Annex Aspiration ER9

In the alternative, if it is accepted by the Council and the examiner that the annex should be taken into account by developers in 'putting forward relevant proposals', then it should be a minimum expectation from all parties that the annex provides clarity over the Forum's expectations. As currently drafted, this is not the case.

Our interest in this section of the plan (and consistent objection to it) is based on a worst-case scenario reading of paras 5.3.26.1 and 5.3.26.2 that would see it apply in any case where a public landowner (the Forum's definition of which would include the Canal & River Trust) generates any profit through development or the sale of development land. In reaching this conclusion we have given particular weight to the 2<sup>nd</sup> half of 5.3.26.1:

*any profit generated by Public Landowners in the Area should be re-invested in the Area, for example through Infrastructure investment or maintenance*

and the section 'how annex aspiration ER9 works' which clearly links the policy to development or the sale of land.

We have also taken account of the fact that the Canal & River Trust and its assets are referred to in paragraphs 5.3.27.2, 5.3.27.4 and 5.3.27.5.

However, it is also possible to read the annex as applying quite narrowly to only those circumstances where public profit is generated through estate regeneration. The first half of para 5.3.26.1 appears to set out the aim of the policy and states:

*To support Sustainable Development in the Area by ensuring positive engagement of the community in respect of each Estate facing potential redevelopment...*

The policy is also within an annex of the plan entitled 'estate regeneration' and two paragraphs of the supporting text to ER9 refer explicitly to estate regeneration (5.3.27.1 and 5.3.27.3).

Estate regeneration of the type referred to in section 5.3.1 ('the context for this chapter') is not an activity that the Trust engages in. It is, therefore, possible to argue that the organisation's activities would not be covered by the aspirations set out in ER9. However, the lack of clarity within the policy has caused us to apply the worst-case scenario interpretation. The policy is not intended to be part of the development plan but if it were then this lack of clarity would put it in conflict with para 16 of the NPPF that requires plans to

*contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.*

We have explained in the section 'principle of public profit reinvestment' why ER9 sits outside the powers of the 1990 and 2004 planning acts because it is inconsistent with legislation governing the use of s106 agreements and the NPPF. 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 landowners 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, policy ER9 is apt to be read as requiring more extensive contributions in order to gain support of the Forum.

#### Identification of the Trust as a public landowner

The plan defines a public landowner as:

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

We’re unaware of any legal basis for this definition or a legal justification for treating organisations differently in the planning system on the basis of it. We have already commented on how it is arbitrary, unfair, unreasonable and outside the powers of the 1990 and 2004 Acts to discriminate against public sector bodies undertaking regeneration activities.

It appears that the Forum has concluded that the Trust’s exercise of any of its powers in the cause of area regeneration enable it to be characterised as a public body by virtue of the fact the land it might wish to develop was transferred to it from another public body. However, whilst it is conceivable that some of the Trust’s activities might involve the exercise of a public function (so that it may be regarded as a hybrid public-private entity), the redevelopment and sale of land on its own or in partnership is a distinctly commercial function. Alternatively, if it were to be contended that those activities are concerned with the management of public property, their regulation would fall within the ambit of “private” charity proceedings, which would come within the ambit of the Charity Commissioners. Thus the notion that the Trust’s commercial activities in the Isle of Dogs should be singled out for special scrutiny because it is a “public body” is wholly misconceived.

The Trust has specific legislative responsibilities under the Transport Act and the Trust Settlement agreement with DEFRA to ensure that the waterways infrastructure remain available to the public. Any interference (as posited by the localised investment required by this NP) will be contrary to those responsibilities.

#### Trust investment in Docklands

We note the Forum’s concerns about the need for long term maintenance and investment that is needed to keep the docks open and working and the harm that would result to the character of the area if the docks were no longer accessible to boats or there was a reduction in this accessibility. We have previously highlighted the millions of pounds spent by the Trust on infrastructure in Docklands. Again, we note that there is no list of dock infrastructure improvements that the Forum suggest are required in the plan or its evidence base.

#### The changes required to the plan

The Trust suggests that ‘Annex Aspiration ER9 – Public Profit Reinvestment’ (paras 5.3.25.1 to 5.3.28.1) is deleted from the plan. This is on the basis that it inappropriately introduces a policy that is concerned with the development and use of land in an annex that should only be used to set out wider community aspirations (NPPG on Neighbourhood Planning, para 4). The policy cannot be included within the statutory plan because it sits significantly outside of the powers of the 1990 and 2004 planning acts, as it proposes uses of planning obligations that are inconsistent with legislative tests that govern their use. It is inconsistent with the National Planning Policy Framework, meaning it would not satisfy the Basic Conditions of Schedule 4B, Paragraph 8 of the

1990 Act. It will give rise to misleading and unrealistic community expectations of what the plan can deliver, which may frustrate sustainable development.

Participation in the examination

The Trust wishes to take an active part in any subsequent examination of Community Aspiration ER9. Specifically, if the opportunity were to arise it would wish to be heard by the examiner to elaborate on its concerns.

Yours faithfully

Steve Craddock  
Planning Manager

[Redacted signature line]

[Redacted contact information]

19 February 2020



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Dear Sir/Madam,

### **Isle of Dogs Neighbourhood Plan 2019-2031: Regulation 16 Consultation.**

We welcome the opportunity to comment on the London Borough of Tower Hamlets (LBTH) Isle of Dogs Neighbourhood Plan (IoDNP) 2019-2031: Regulation 16. We write on behalf of Chalegrove Properties Ltd and set out our observations and suggested amendments to the emerging IoDNP.

We look forward to working with the Council so that the plan can facilitate sustainable development, responds positively to the Government's agenda for growth, and accords with tests of 'soundness' as set out within the National Planning Policy Framework (NPPF) (2019).

### **Representations to Regulation 16 Consultation**

Tower Hamlets is uniquely placed in London to act as a focus for growth and any new plan must recognise and reflect this in its ambition. We are pleased to note that this sentiment is captured in the emerging IoDNP and would expect all decisions on policy direction to be framed and taken in this context. In order to ensure clarity in decision making, it would be helpful if a statement to this effect could be included at the front of the plan.

### ***Section 1: Glossary of Terms***

We support the proposed Glossary of Terms at the outset of the IoDNP and consider it to be an appropriate means of ensuring that the Plan is accessible to all members of society. We do however object to the proposed definition of Public Transport Accessibility Level (PTAL) as it is currently worded, which is reproduced below for reference:

*PTAL – Public Transport Accessibility Level, used as a measure to determine appropriate maximum development densities by TfL.*

The above definition of PTAL is out of date and should be changed. It should be acknowledged that the tests are now much broader than density alone and consider a range of design led matters.

### **Section 2: Vision and Objectives**

We welcome the draft vision to establish a high quality of life for all residents and workers – both those already here and still to come.

However, in paragraph 2.7, we note the text makes reference for large residential developments to only be permitted after all infrastructure and services needed to support them and all other developments nearby have been fully considered and allowed for.

Officers will be aware that London Borough of Tower Hamlets have recently adopted their Local Development Plan, adopted January 2020 which allocates growth to the Isle of Dogs based on a thorough evidence based review. This evidence base has assessed the availability and suitability of infrastructure to support planned growth and that plan has been found sound. There is therefore no need or basis for the Neighbourhood Plan to question the assumptions made therein and text which purports to challenge the availability of infrastructure to support planned growth should therefore be deleted from this Neighbourhood Plan as it is likely to cause confusion in the decision making process. In fact, it would be helpful if a statement could be included in the Neighbourhood Plan that acknowledges and accepts that the Isle of Dogs has been identified for significant growth in the Local Development Plan on a full and recent assessment of the available evidence relating to infrastructure provision. In terms of timing, it is acknowledged that any additional infrastructure ought to be brought forward in a timely manner but where this is planned for, otherwise beneficial development to provide jobs and homes and affordable homes which all meet a pressing need should not be artificially delayed.

It is also relevant to note that all large residential planning applications (10 units +) as set out within the LBTH validation checklist are required to provide a Sustainability Assessment as part of the planning submission. The Sustainability Assessment examines the social, environmental and economic effects of the national strategies and policies in a local development document to ensure that a proposal is in accordance with sustainable development practice. This document is available to members when making their decisions and considers the actual impacts of each developments. The Development Plan and Neighbourhood Plan are necessarily broad brush and cannot provide such a considered site by site assessment.

In addition, in terms of cumulative impact, we note, as part of an Environmental Impact Assessment which is a requirement of all large scale development proposals, that any proposals for development must take into consideration all other developments nearby. Accordingly, the consideration for existing and future residents is considered throughout the planning application and there is no need to duplicate this provision in the Neighbourhood Plan.

Likewise, we suggest that it would be a more balanced plan if the emerging vision recognised that there remains a 'desperate' and 'pressing' need for new housing and affordable housing. As stated within the LBTH Local Plan (2020), the minimum number of additional homes the Isle of Dogs and South Poplar districts need to provide between 2016 - 2031 is 31,209. This equals 57% of the minimum total additional housing requirements for Tower Hamlets. Therefore, we propose the vision to make note of the need for additional housing.

### ***Draft Policy D1 Infrastructure Impact Assessment***

Page 9 of the draft IoDNP sets out a summary of Neighbourhood Plan Policies.

The summary of Chapter 1 and Draft Policy D1 (Infrastructure Impact Assessment) at paragraph 3.5 states that:

*Applications for Major and Strategic Developments to be accompanied by Infrastructure Impact Assessments enabling planning officers and committees to assess Infrastructure capacity. Potential Infrastructure improvements to be proposed and assessed where the Infrastructure Impact Assessment suggests Infrastructure is insufficient. If negative impacts cannot be mitigated, applications should be considered unacceptable.*

We welcome the IoDNP ambition to ensure the right infrastructure is in place to support emerging developments. However, we note the Infrastructure Impact Assessment can be carried out as part of a Transport Assessment or as part of the Environmental Impact Assessment, as set out within the LBTH Validation Checklist for Major Applications. The EIA will include a specific cumulative impact assessment with the schemes recently approved or currently underway in the vicinity of the site. Again, as set out in the NPPF unnecessary duplication should be avoided. The inclusion of this policy does not meet that test.

We also suggest the Neighbourhood Forum seeks clarification with LBTH in regards to the deployment of their CIL monies to address infrastructure matters.

Notwithstanding the above, the Local Plan is the tool that considers and identifies infrastructure requirements to support planned growth. Where contributions are collected from developers to fund infrastructure, it is the responsibility of the Council to enable delivery of that infrastructure in a timely fashion. The benefits of development should not be delayed where a developer has made the requisite contributions to the local authority for their attention and action, whatever the programme the local authority elect to work to.

### **Draft Policy D2 High Density Development**

Draft Policy D2 (High density developments) at paragraph 4.4.5 states that:

*High density developments to specify how they conform to the GLA's Housing SPG.*

We support IoDNP commitment to achieving high quality residential developments as noted within the GLA's Housing SPG. In our experience conformity with the SPG is usually addressed in the design and access statement submitted in support of any application. This policy appears to add little and is again inconsistent with the NPPF objective to streamline and avoid duplication in the planning process and should be removed. The policy also unhelpfully focuses on a single aspect of a scheme and would be better constructed if it was to require development to be supported by a benefits statement that might amongst other matters, include an analysis of the SPG (as guided by the emerging London Plan policy D8 Public Realm). Notwithstanding this, any such policy would still duplicate existing guidance and fail the tests.

Additionally, the emerging London Plan policy is expected to be supplemented by a new residential design guidance document which will supersede the Housing SPG (2016) and the previous London Housing Design Guide.

### **Draft Policy ES1 Use of Empty Sites**

We fully support the IoDNP ambition to encourage developers to use empty sites in a way that will benefit the community, as set out within paragraph 4.5.2 Policy ES1 Use of Empty Sites.

However, we also recognise that draft Policy ES1 may be challenging in a difficult market. Practical constraints may also prevent meanwhile uses from coming forward such as site preparation works or contaminated land. Developers might have restricted use to the development land through legal obligations and as such may not be able to implement a meanwhile use on the site prior to construction.

Additionally, paragraph 4.5.2.3.2 notes a five year time period to implement a permission with the use of a meanwhile use. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, planning permissions normally have three years from the date it is granted to begin the development.

We would therefore suggest that the text of draft Policy ES1 is amended to read:

*Developers will be positively encouraged to identify opportunities for meanwhile uses on their sites where the opportunities arrive.*

### **Draft Policy CC1 Construction Coordination**

We welcome the IoDNP aim for a more transparent and open planning system.

Draft Policy CC1 makes note for construction management plan (CMP) changes to be notified to the local community with reasonable consultation time. We would suggest that this is brought forward in the drafting of each CMP under the provisions of conditions and any best practice guidance published by LBTH.

LBTH determine the consultees with which they consult, and it is inappropriate for the proposed Neighbourhood Plan to add new specific consultees in this document.

### **Draft Policy SD1 Sustainable Design**

Draft Policy SD1 (Sustainable Design) at 4.7.2 states that:

*Planning applications to include pre-assessments demonstrating how BREEAM standards (or any future replacement standards) will be met.*

We welcome IoDNP pledge for sustainable design. However, we note that LBTH's Local Plan Policy D.ES7 (A zero carbon borough) sets the requirements of sustainability for all new proposed developments. The policy states that "All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating." Also, as a minimum, all self-contained residential proposals will be strongly encouraged to meet the Home Quality Mark. Therefore, draft policy SD1 of the Neighbourhood Plan again duplicates existing guidance and is unnecessary.

### **Draft Policy AQ1 Air Quality**

We note that LBTH's Local Plan Policy D.ES2 sets the requirements of LBTH air quality standards for all new proposed developments. Therefore, draft policy AQ1 of the neighbourhood Plan again duplicates existing guidance and is unnecessary.

### **Draft Policy 3D1 3D Model**

We support the IoDNP ambition to embrace technology and innovation within the planning process. This aligns with the emerging London Plan Policy D2 part C, that recommends the use of visual, environmental and movement modelling/assessments to analyse potential design options for an area, site or development proposal. It should be noted that the 3D model is one part of any assessment of townscape impact/benefit and should be employed accordingly. Individuals using 3D models should have received appropriate training in their use.

In response to the proposed policy wording of Policy 3D1 (3D Model for Applications) we note that the draft Neighbourhood Plan requests a 3D model is submitted with planning applications for Strategic Development.

We note that material to be submitted in support of planning applications is defined by LBTH's validation checklist. Any proposed Neighbourhood Plan must be in accordance with the adopted Local Plan, and it is therefore not appropriate for the draft Neighbourhood Plan to add new requirements arbitrarily.

### **Section 6 – CIL Spending Priorities**

We acknowledge that this section of the draft Neighbourhood Plan is a recommendation to the LBTH only, and is not proposed as a Neighbourhood Plan Policy.

We welcome this distinction between recommendation and proposed policy, and suggest that LBTH note this and allocate CIL in line with the CIL Regulations and LBTH's Regulation 123 list.

As set out in the Community Infrastructure Levy (Amendment) Regulations 2013, Reg 8, "where all or part of a chargeable development is within an area that has a neighbourhood development plan in place the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area"

We support that this is noted in the draft Neighbourhood Plan. We anticipate that LBTH will follow the CIL Regulations fully, and suggest that the Neighbourhood Plan's suggestion at paragraph 6.1.4. that all CIL generated in the Neighbourhood Plan area is applied to works in the Neighbourhood Plan area, or of at



least direct benefit to the area can only been viewed by LBTH as a suggestion, whereas in practical terms LBTH will follow the CIL Regulations strictly.

Thank you for giving us the opportunity to comment on the emerging draft Isle of Dogs Neighbourhood Plan (IoDNP) 2019-2031: Regulation 16. We would be grateful for confirmation of receipt of these representations and look forward to some suggested dates to meet.

Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully,

A handwritten signature in black ink that reads "Savills". The letters are cursive and fluid, with the 'S' and 'V' being particularly prominent.

Savills

## Steven Heywood

---

**From:** HNL Sustainable Places <HNLsustainableplaces@environment-agency.gov.uk>  
**Sent:** 16 January 2020 15:59  
**To:** Neighbourhood Planning  
**Subject:** RE: Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

Dear Steven,

Thank you for consulting us on the Reg 16 Isle of Dogs Neighbourhood Plan.

We have previously commented on Reg 14 of the Neighbourhood Plan to highlight key environmental constraints, however as there is no growth allocated within the plan we have no further comments to make on the Reg 16 consultation.

Please let know if you have any queries.

Kind regards,

### Lucy Read

Planning Advisor | Sustainable Places | North London

Environment Agency, 2 Marsham Street, 3<sup>rd</sup> Floor, London, SW1P 4DF

Phone: [REDACTED]

Email: [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@environment-agency.gov.uk)



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**From:** Steven Heywood [<mailto:Steven.Heywood@towerhamlets.gov.uk>] **On Behalf Of** Neighbourhood Planning  
**Sent:** 09 January 2020 09:57  
**To:** Neighbourhood Planning <[NeighbourhoodPlanning@towerhamlets.gov.uk](mailto:NeighbourhoodPlanning@towerhamlets.gov.uk)>  
**Subject:** Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

Dear consultee,

This email is being sent to you with regard to a Neighbourhood Planning consultation being undertaken within the London Borough of Tower Hamlets.

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 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.

Copies of the submitted materials may be inspected free of charge from 9 January to 19 February 2020 at the following locations:



- The Council's website ([https://www.towerhamlets.gov.uk/lgnl/planning\\_and\\_building\\_control/planning\\_policy\\_guidance/neighborhood\\_planning/Isle\\_of\\_Dogs.aspx](https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_policy_guidance/neighborhood_planning/Isle_of_Dogs.aspx))
- Tower Hamlets Town Hall, Mulberry Place, E14 2BG
- Idea Store Canary Wharf, Churchill Place, E14 5RB
- Cubitt Town Library, Strattondale Street, E14 3HG

The Council is now consulting on whether the Isle of Dogs Neighbourhood Plan fulfils the Basic Conditions as required by Paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). Any person or organisation may comment on the Neighbourhood Plan or supporting documents.

The consultation will be carried out for 6 weeks, between **9 January and 19 February 2020**. Written representations must be received by 5pm on Wednesday 19 February 2020.

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.

Responses should be sent to [neighbourhoodplanning@towerhamlets.gov.uk](mailto:neighbourhoodplanning@towerhamlets.gov.uk), or by post to:

Plan-Making Team, Strategic Planning  
Tower Hamlets Council  
Town Hall  
Mulberry Place  
Clove Crescent  
London E14 2BG

Best wishes,  
Plan-Making Team  
London Borough of Tower Hamlets

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# GREATER LONDON AUTHORITY

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

**Department: Planning**  
Our reference: LDF30/LDD22/NP02/HA01  
Date: 19/02/20 2020

By email: [contact@isleofdogsforum.org.uk](mailto:contact@isleofdogsforum.org.uk)  
CC: [neighbourhoodplanning@towerhamlets.gov.uk](mailto:neighbourhoodplanning@towerhamlets.gov.uk)

Dear Sir/Madam,

**Statement of general conformity with the London Plan (Planning and Compulsory Purchase Act 2004, Section 24(4)(a) (as amended);  
Greater London Authority Acts 1999 and 2007;  
Town and Country Planning (Local Development) (England) Regulations 2012  
The Neighbourhood Planning (General) Regulations 2012**

**RE: Isle of Dogs Neighbourhood Plan (IoDNP) – Regulation 16 Consultation**

Thank you for consulting the Mayor of London on the Isle of Dogs Neighbourhood Plan (IoDNP) (Regulation 16). As you are aware, all Development Plan Documents in London, including Neighbourhood Plans, must be in general conformity with the London Plan under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. Paragraphs 29 of the National Planning Policy Framework (NPPF) 2018, requires neighbourhood plans to be consistent with the strategic policies contained in any development plan that covers their area. The Development Plan for the IoDNP includes the London Plan and the recently adopted Tower Hamlet's Local Plan.

The Mayor has afforded me delegated authority to make detailed comments which are set out below. Transport for London (TfL) have also provided comments, which I endorse, and which are included at Annex 1.

This letter sets out where you may need to amend proposed policies and supporting text to be more in line with the current London Plan and the Intend to Publish London Plan. As currently drafted the IoDNP is in general conformity with the Intend to Publish London Plan. However, the Mayor does have concerns that some elements of the proposed neighbourhood plan may have negative impacts on the delivery of the Isle of Dogs and South Poplar Opportunity Area.

## **The Intend to Publish London Plan**

As you know, the Mayor published his draft new London Plan for consultation on 1st December 2017. The Panel's report, including recommendations, was issued to the Mayor on 8 October 2019 and the Intend to Publish version of the London Plan was published on the 17 December 2019. Publication of the final version of the new London Plan is anticipated in later in the year,

at which point it will form part of Tower Hamlet's Development Plan and contain the most up-to-date policies.

## **General**

Many of the comments made in this response to your consultation repeat and reinforce the Mayor's earlier comments made in response to the Regulation 14 consultation on the Isle of Dogs Neighbourhood Plan.

At the very start the Neighbourhood Plan now includes a map showing clearly and precisely the extent of the IoDNP boundary. This is very welcome but could be accompanied, by contextual analyses, setting out how the Neighbourhood Area relates to Tower Hamlets and further afield in the wider context of London.

More information setting out the neighbourhood plan's relationship with the Isle of Dogs and South Poplar Opportunity Area (Figure 12 in Tower Hamlets Local Plan) and the Northern Isle of Dogs (NIoD) which is in the emerging London Plan would be very useful. The Neighbourhood Plan should recognise the significance of the area in terms of its strategic importance within the current and Intend to Publish London Plans in the role it plays in hosting dynamic clusters of world city businesses and other specialist functions which are of national and international importance as set out in current London Plan Policy 2.13 and the Intend to Publish London Plan Policies SD4, E1 and paragraph 1.5.3. The Intend to Publish London Plan, in Table 2.1 sets out indicative guidelines for the Isle of Dogs and South Poplar Opportunity Area which is comprised of 29,000 new homes and 110,000 new jobs.

Officers would like to see more proactive objectives that would help deliver much needed housing across the capital and within the London Borough of Tower Hamlets in accordance with Good Growth objective GG2 Making the best use of land. The Neighbourhood Plan should recognise that Tower Hamlets' housing target has recently decreased from 3,931 to 3,473 homes per annum and ideally the neighbourhood plan should establish how it will positively contribute towards this in agreement with the London Borough of Tower Hamlets.

Northern Isle of Dogs is recognised in the Intend to Publish London Plan as a CAZ satellite location for world city office functions and in Policy S.SG1 of Tower Hamlets Local Plan. While it is geographically separate from the CAZ it is to be treated as a part of the CAZ and relevant Intend to Publish London Plan Policies should apply, including Policy E1, which identifies Northern Isle of Dogs as a strategic location for office development.

## **Infrastructure**

The Isle of Dogs and South Poplar Opportunity Area Planning Framework was adopted on 14 October 2019 and is supported by a raft of evidence including the Isle of Dogs and South Poplar Development Infrastructure Funding Study 2017. The up-to-date study identifies the required infrastructure needed to support plans for growth in the area and acknowledges the funding gap that will need to be addressed. At 35% affordable housing delivery, the study suggests there is a funding gap of £162 million (maximum growth scenario). The draft Neighbourhood Plan's requirement for Infrastructure Impact Assessments is not considered to be a positive and proactive approach and would most likely confirm what has already been evidenced in the study and could ultimately result in the reduced delivery of affordable housing. We will be working with the borough to monitor this to identify ways to close the funding gap over time. However, in this context the requirement set out in Policy D1 could compromise the delivery of the London Plan in relation to this Opportunity Area.

If the policy is retained, we strongly suggest that the threshold is too low and would place an unnecessary burden on development coming forward. We suggest a higher threshold such as developments referable to the Mayor to ensure that only those applications which place a significant burden on the infrastructure already planned through the Opportunity Area Planning Framework process are subject to the requirement.

We also note the Mayor's priorities for affordable housing and infrastructure set out in Part D of Intend to Publish London Plan Policy DF1. It is important that this policy does not compromise delivery of these priorities.

The Mayor welcomes in Section 6 that the IoDNP sets out CIL spending priorities which are largely based on the Isle of Dogs and South Poplar Development Infrastructure Funding Study.

### **Housing/Design**

The sustainable residential quality matrix (SRQ Matrix) which set out appropriate residential densities in locations with various public transport accessibility has been removed from the Intend to Publish London Plan. It is recognised that the matrix formed a basis for design guidance and was rarely adhered to as an upper limit to residential development design proposals. Hence the decision to remove this from the Intend to Publish London Plan and allow Local Authorities and Neighbourhood Area qualifying bodies more control and flexibility about optimising development to make the best use of land. The Intend to Publish London Plan enables boroughs and neighbourhoods to establish how they wish to address development densities through the approach set out in Intend to Publish London Plan Policy D3 Optimising site capacity through the design-led approach.

The IoDNP should recognise that the SRQ Matrix has now been removed from the Intend to Publish London Plan and amend the supporting text in the Neighbourhood Plan accordingly to ensure the neighbourhood plan does not become out of date quickly. Given that the matrix is being deleted and the reasons for this, the Forum may also wish to consider what justification there is for this threshold beyond the London Plan. Footnote 17 of the draft IoDNP makes reference to the Mayor's Housing Supplementary Planning Guidance tests for what is considered to be appropriate circumstances in exceeding the ranges in the density matrix. This reference should be included in draft Policy D2 to be clear that the need to comply with the Mayor's Housing SPG is only in relation to that section of the SPG.

### **Empty sites and air quality**

The IoDNP's intention in Policy ES1, that vacant land be used for community meanwhile uses is welcome and reflects Intend to Publish London Plan Policies SD7, D7 and HC5. The IoDNP is encouraged to explore wider opportunities for other meanwhile uses such as for housing and for food growing as set out in Intend to Publish London Plan Policies H3 and G8.

The Mayor welcomes the IoDNP's approach towards air quality which is in line with the Intend to Publish London Plan Policy SI1.

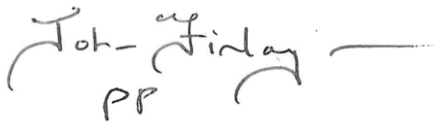
### **Estate Regeneration**

It is apparent that the forum want to ensure that future estate regeneration is conducted in a fair and consistent manner. However, Policies ER1-ER9 deal with issues that are beyond the

remit of planning and are not considered to be material considerations. This includes policies involving balloting processes for estate regeneration. It should be noted that the Mayor recognises the significance of delivering estate regeneration which takes into account the importance of existing and new residents and communities needs and rights. Therefore, in accordance with paragraph 4.8.4 of the Intend to Publish London Plan estate regeneration the Mayor asks the forum to take account of the requirements of his Good Practice Guide to Estate Regeneration (2018) and recognises that any landlord seeking GLA funding for Estate Regeneration, involving the demolition of social homes shows that residents have supported their proposals through a ballot (see <https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/estate-regeneration#>).

The Mayor thanks the Isle of Dogs Neighbourhood Forum for giving him the opportunity to respond to this consultation. If you have any specific questions regarding the comments in this letter please do not hesitate to contact Hassan Ahmed on [REDACTED] or at [REDACTED].

Yours sincerely



John Finlay  
PP

Debbie Jackson  
**Director – Built Environment**

Cc Unmesh Desai, London Assembly Constituency Member  
Nicky Gavron, Chair of London Assembly Planning Committee  
National Planning Casework Unit, MHCLG  
Lucinda Turner, TfL



## Annex 1 – Transport for London Comments

Plan-Making Team, Strategic Planning  
Tower Hamlets Council  
Town Hall  
Mulberry Place  
Clove Crescent  
London E14 2BG

Transport for London  
City Planning  
5 Endeavour Square  
Westfield Avenue  
Stratford  
London E20 1JN

Phone 020 7222 5600  
[www.tfl.gov.uk](http://www.tfl.gov.uk)

### By Email

13 February 2020

Dear Sir/Madam

### Re: Isle of Dogs Neighbourhood Plan 2019-2031

*Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL's role as a transport operator and highway authority in the area. These comments also do not necessarily represent the views of the Greater London Authority (GLA).*

Thank you for giving Transport for London (TfL) the opportunity to comment on the draft Isle of Dogs Neighbourhood Plan. Given the advanced stage of the draft London Plan in the adoption process – with the Intend to Publish version now available on the GLA website – we will have regard to it when assessing and responding to local planning policy consultations, including the draft Isle of Dogs Neighbourhood Plan.

Public and active transport infrastructure is vital to support 'good growth' across London, and TfL will continue to work with all partners to ensure that new development in the area covered by the Isle of Dogs Neighbourhood Plan enables and encourages people to travel by walking, cycling and public transport. We strongly welcome the aspiration of the draft Isle of Dogs Neighbourhood Plan to support growth while enabling people to move around using sustainable transport modes.

As set out in our response to an earlier consultation on the draft Neighbourhood Plan, we urge the Forum to include an approach to traffic reduction within the Isle of Dogs Neighbourhood Plan as set out in the Mayor's Transport Strategy (MTS). We further encourage including the Healthy Streets 'wheel' (see Appendix B) in the Neighbourhood Plan to fully embed the Healthy Streets Approach into planning decisions in the area.

We have set out detailed comments and proposed changes in Appendix A to this letter, which we hope are helpful. We look forward to continuing to work together in drafting the final document and are committed to continuing to work closely with the Forum, London Borough of Tower Hamlets and the GLA to deliver integrated planning and make the case for continued investment in transport capacity and connectivity to enable Good Growth.

Yours sincerely

Josephine Vos  
**Manager London Plan and Planning Obligations**

[REDACTED]  
[REDACTED]



## Appendix A: Specific suggested edits and comments from TfL on the Isle of Dogs Neighbourhood Plan

Section	Page	Track change/comment
2.8.9	7	<p>'Quick, efficient and free-flowing transport options – whether cycling, walking, buses, DLR, boats or cars – all working together effectively.'</p> <p>'Free-flowing' transport is not always possible given the necessary interaction of different road users and the need to manage traffic and congestion, nor is it in line with current policy. We suggest amending this objective to reflect Vision Zero and the Healthy Streets Approach as set out in the draft London Plan and the Mayor's Transport Strategy. Demand management measures are needed to reduce car use in particular as space efficient modes are necessary to effectively move people and goods in high density, urban environments such as the Isle of Dogs.</p>
4.4.2.2	15	<p>The policy needs clarification with regard to the definition of 'sufficient infrastructure capacity', to support new development.</p> <p>It is appropriate to plan for the impact of cumulative development. However, clarification should be given on how mitigation of cumulative impact is proposed to be shared among each development/applicant.</p>
4.4.2.4	15	<p>Please amend text:</p> <p>'If the proposed development is contingent on the provision of new <b>or enhanced</b> Infrastructure (including, without limitation, public transport services), the development should be phased accordingly.'</p>



Section	Page	Track change/comment
4.4.2.5	15	<p>'Infrastructure impacts will be considered unacceptable where they result in negative impacts that cannot be adequately mitigated.'</p> <p>We request clarity on what is considered 'adequate' mitigation. As part of this, opportunities to enable walking and cycling should be considered to support the public transport network, in line with the draft London Plan and Mayors Transport Strategy.</p>



Historic England

By Email: [neighbourhoodplanning@towerhamlets.gov.uk](mailto:neighbourhoodplanning@towerhamlets.gov.uk)

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

Our ref:  
Your ref:

Telephone [REDACTED]

7 February 2020

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 16 for formal consultation. We responded in Jan 2018 on the 24<sup>th</sup> January on the Regulation 15 consultation confirming that in our view the proposed "Quick" Plan met the conditions as required under the Regulations. We have also confirmed that due to the focused nature of the policies in respect of mitigation of environmental impacts of development that the Plan as proposed did not have potential significant impacts environmental impacts sufficient to require full SEA.

The focus of the "Quick" Neighbourhood Plan is on environmental health and infrastructure issues which require urgent attention. As such, the Plan and policies seek to address construction impacts and promote liveable neighbourhoods and community led development. Given that the Plan covers a large area and is subject to some of the proposed highest density growth in the country we recognise the Forum's urgency to address the issues that arise.

We do note the Draft 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 and that historic environment issues will continue to be dealt with on the basis of national and local policy alone. However, we look forward to commenting on future iterations of the Plan and those policies which seek to protect and enhance the significant heritage of the Isle of Dogs. We do not however wish to raise any specific issues at this stage.

Historic England, 4<sup>th</sup> Floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA  
Telephone 020 7973 3700 Facsimile 020 7973 3001  
[HistoricEngland.org.uk](http://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.

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

Finally, it must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently relate to this or later versions of the document which may have adverse effects on the historic environment.

Yours sincerely



Richard Parish

**Richard Parish**  
**Historic Places Adviser**

[Redacted contact information]

**Isle of Dogs Neighbourhood Plan 2019-2031  
Regulation 16 Consultation  
Response from London Borough of Tower Hamlets  
February 2020**

1. This document forms the response of the London Borough of Tower Hamlets (“the council”) to the Regulation 16 consultation on the Isle of Dogs Neighbourhood Plan 2019-2031 (known as the ‘basic plan’ to differentiate it from the ‘quick plan’ which was examined in 2018, and generally referred to throughout this document as “the neighbourhood plan”).
2. Tower Hamlets has previously responded to the Regulation 14 consultation on this plan, held between April and May 2019. At this time, the council made a number of suggestions to strengthen the wording of the plan and to bring it more in line with national and local planning policy. The council and the neighbourhood forum met to discuss these points after the Regulation 14 consultation, and we are pleased to see that this constructive cooperation has led to a number of the council’s comments being incorporated into the submission version of the neighbourhood plan. These alterations have addressed some of the council’s major concerns, particularly around the weight that can be attributed to the annex policies (now called aspirations).
3. As stated in our response to the Regulation 14 consultation, the council continues to be generally supportive of the aims and intentions of the neighbourhood plan, while still having some concerns that will be addressed in this response.
4. With regard to the Regulation 16 consultation, Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) sets out in paragraph 8(1) that the examiner of a neighbourhood plan must consider whether the plan meets the basic conditions. These are set out in paragraph 8(2), where it is stated that a plan meets the basic conditions if:
  - (a) having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the order
  - (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
  - (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
  - (d) the making of the order contributes to the achievement of sustainable development
  - (e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority

- (f) the making of the order does not breach, and is otherwise compatible with, EU regulations
  - (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
5. The Council does not have any concerns relating to listed buildings, conservation areas, or prescribed conditions, and believes that the plan is compatible with EU regulations. A screening exercise was undertaken by the council in July 2019 that determined that there was no need for a full Strategic Environmental Assessment or Habitats Regulation Assessment, as the neighbourhood plan proposes no additional development to that already assessed under the recently adopted Tower Hamlets Local Plan 2031.
  6. The comments in this document will therefore address concerns around the three remaining basic conditions – having regard to national policy and advice, contributing to the achievement of sustainable development, and general conformity with the strategic policies of the development plan.
  7. The primary documents making up the development plan for Tower Hamlets are the Tower Hamlets Local Plan 2031 (adopted 15 January 2020) and the London Plan. The new London Plan has not yet officially been adopted, but it has been examined and the panel report on the examination has been issued. At this stage in the process of the London Plan, it carries significant weight in the development plan, and on this basis the neighbourhood plan should be in general conformity with the new London Plan as well as the Tower Hamlets Local Plan 2031.
  8. The following sections of this document will address the council’s remaining concerns about the neighbourhood plan and, where possible, provide positive suggestions for rewording sections of the plan to bring them in line with the basic conditions without sacrificing their original intent. A table will be included in each section setting out our suggested wording – with columns for the paragraph number, the suggested change (with additions in bold and deletions in strikethrough), and the reasons for the suggested change (related to the basic conditions where possible).
  9. A number of other documents are referred to in the following sections. A full list of referenced documents is included at the end. Please consider these documents to have been submitted for the consideration of the examiner where necessary.
  10. Two appendices are attached to this document. Appendix One presents tracked change versions of the plan policies with the council’s proposed amendments (this does not include the supporting text or the Annex aspirations). Appendix Two is the council’s response to the Regulation 14 consultation, provided for reference purposes (as this document is not available online).

#### General Comments and Preliminary Text

11. As part of the submission of the neighbourhood plan, the forum have re-submitted their counsel’s opinion on the previous version of the neighbourhood plan, the ‘quick plan’. We would welcome more clarity on what elements of this document the forum believe are

useful for the examination of the ‘basic plan’ – as there has been a significant rewrite of the policies discussed in the counsel note since that first examination.

12. The numbering of paragraphs in the plan is currently difficult to keep track of due to the use of increasingly long sub-clause numbers (for example, paragraphs with numbers like ‘4.5.3.2.1’). This could be addressed by removing paragraph numbers from sub-headers; and using bullet points, numbering or lettering for lists that are subordinate to paragraphs, rather than giving each entry on a list a different paragraph number. Policy titles also do not need paragraph numbers, and the paragraphs within policies should be numbered 1, 2, 3, etc., within each policy, rather than continuing the paragraph numbers from the surrounding text. This will make referencing particular paragraphs considerably easier.
13. References to the draft Local Plan can now be amended to refer simply to the Tower Hamlets Local Plan, as that plan has now been adopted.
14. The definition of ‘Forum’ within the glossary remains concerning. A successor organisation performing ‘similar’ functions cannot take the place of the neighbourhood forum under the relevant regulations. Such an organisation would need to meet the requirements of the neighbourhood planning regulations in order to be designated as the neighbourhood forum, and would therefore not be a ‘similar’ organisation – it would be the same organisation. This should be clarified to ensure that the definition is in line with regulations and is not misleading.
15. The definition of ‘Public Body’ in the glossary has been changed to a definition of ‘Public Landowner’. However, it is still not clear that this definition is accurate, as a public landowner does not have to receive that land ‘based on a transfer from another government organisation for nil or minimal value’. The council does not have any suggested wording for this, as it is unclear who the relevant Annex aspiration is intended to be applied to or what is trying to be achieved. We suggest later in this document that the relevant aspiration should be deleted in full, and if that is the case, this definition should also be deleted.

*Table 1: General and Preliminary Suggested Changes*

<b>Section</b>	<b>Suggestion</b>	<b>Basic Condition Consideration</b>
Throughout	Renumber paragraphs by: <ul style="list-style-type: none"> <li>• Removing paragraph numbers from sub-headers</li> <li>• Removing paragraph numbers from lists</li> <li>• Removing paragraph numbers from policy titles</li> <li>• Renumbering paragraphs within policies, beginning each policy from 1</li> </ul>	PPG Neighbourhood Planning Para 41 – clarity and ease of referencing.
Throughout	Change references to the ‘draft Local Plan’ to read ‘Tower Hamlets Local Plan’. Change the entry in the glossary to read ‘Tower Hamlets Local Plan – the new Local Plan for the borough, adopted in January 2020 and running until 2031’.	PPG Neighbourhood Planning Paragraph 41 – clarity and consistency.

Para 1.1.8	Definition of Forum: “The <b>designated neighbourhood forum for the</b> Isle of Dogs Neighbourhood Planning <b>Area Forum, or a successor organisation performing similar functions in respect of the area from time to time</b> ”	Conformity with neighbourhood planning regulations.
Para 1.1.35	Delete	In line with the suggested deletion of ER9 below.

### Policy D1 – Infrastructure Impact Assessment

16. This is the policy for which the council had the most comments at Regulation 14 stage, and many of our concerns continue to exist around whether this policy meets the basic conditions of having regard to national policy, contributing to sustainable development, and being in general conformity with the local development plan. We are sympathetic to the general aim of securing appropriate infrastructure to support the levels of growth proposed (and already forthcoming) on the Isle of Dogs. However, we are also concerned with the implementation of this policy as currently written.

17. In terms of scale, the council believes that the requirement for an infrastructure impact assessment (paragraph 4.4.2.1) should only be applied to strategic development (i.e. of 100 or more homes). Requiring major development to submit an infrastructure assessment is considered overly onerous, as a development of, say, 11 new homes is unlikely to have a major impact on infrastructure in such a densely populated area. An alternative approach would be to set out a density threshold for when this policy applies, similar to that used in policy D2 (see comments below) – a threshold based on the London Plan density matrix figures would be supported, as these figures informed the SHLAA that was used to prepare the new Tower Hamlets Local Plan. Wording for both of these options has been provided.

18. Paragraph 4.4.2.1 references the need for an infrastructure impact assessment. An infrastructure baseline analysis has been included as a separate document in the submission of the neighbourhood plan. The plan does not make clear what the status of this document is, i.e. whether it is an appendix to the plan, which should be made publicly available as part of the adopted neighbourhood plan, or a standalone document (para 4.4.4.1). The supporting text to the policy also states that this baseline “may be replaced” by the council in a form that “is no less detailed” (para 4.4.4.2). The following paragraph then states that infrastructure impact assessments submitted with proposals should assess the proposal against the baseline analysis, “updated for further consented developments as at the time of their application” (para 4.4.4.3), suggesting that a regular update to the baseline analysis is required whenever a qualifying application is submitted – but whether this update is undertaken by the council or applicants is not clear.

19. The council already maintains an understanding of the baseline of infrastructure across the borough, through the Infrastructure Delivery Plan (IDP), a document that is not referenced in the neighbourhood plan (although it is acknowledged in the ‘evidence base document’). Some of the elements considered in the forum’s baseline are not thought of as infrastructure in the IDP (for example, supermarkets and petrol stations), or are considered

under wider categories (i.e. birthing centres under health provision). The council therefore is happy to maintain a similarly detailed baseline analysis (as we already do), but considers that maintaining one that is “similarly structured” and “no less detailed” than the forum’s model would be inappropriate. It would replicate work that is already being undertaken, but require it to be in a different structure; and would undermine the strategic borough-wide approach to infrastructure in favour of a relatively simplistic analysis within a tightly-bounded geographical area. Indeed, London Plan Policy D2 supporting text notes that the borough’s IDP is the appropriate way of identifying infrastructure capacity (para 3.2.1). The Isle of Dogs and South Poplar OAPF also recommends that infrastructure be monitored and an infrastructure plan be prepared every five years for the OAPF period (recommendation 4, p123). Consequently, the council believes there is enough knowledge around infrastructure needs and shortfalls already in place and being regularly monitored, without the addition of another form of infrastructure monitoring.

20. An additional problem is that paragraph 4.4.4.2 allows the council to update the baseline “from time to time”, while paragraph 4.4.4.3 essentially requires it to be updated every time a new development is consented (to ensure that it is fully up-to-date for the assessment of the next proposal). It is unclear from the latter paragraph whether the onus for this update is on the council or the applicant. To avoid ambiguity, it may be necessary to reword this paragraph to imply that infrastructure assessments (a requirement for the applicant) should consider any additional consents granted since the last update of the infrastructure baseline (a requirement of the council).
21. Paragraphs 4.4.2.2 and 4.4.2.3 refer to whether there is sufficient or insufficient infrastructure capacity to support proposed densities. Infrastructure capacity can include infrastructure that already exists, and that which is planned – and as the level of infrastructure needs to be sufficient at the time when the proposed development is delivered, it is planned infrastructure capacity that is the more important element. Policy D2 of the new London Plan also refers to “planned levels of infrastructure rather than existing levels” in clause A(1). For clarity, both of these paragraphs in the neighbourhood plan policy should therefore explicitly refer to “planned” infrastructure capacity.
22. Paragraphs 4.4.2.3 and 4.4.2.4 are similar to new London Plan policy D2. However, there are some crucial differences in wording which create difficulties for the neighbourhood plan policy. The London Plan policy states (clause B) that if existing infrastructure provision is insufficient, boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity is available at the appropriate time. This ensures that decisions take into account planned infrastructure capacity (as prepared through a plan-led system) and phase development accordingly. Clause C of the London Plan policy then states that if planned infrastructure capacity is exceeded, additional infrastructure “proportionate to the development” should be provided, and that in assessing what this may be, the infrastructure impact assessment “will have regard to...the CIL contribution that the development will make”. If this additional infrastructure cannot be delivered, “the scale of the development should be reconsidered” to better match infrastructure capacities. The supporting text notes that the infrastructure impact assessment should be site-specific and assess the additional impact of the proposed development.
23. The wording in the neighbourhood plan, however, refers only to “contributions towards local infrastructure”, rather than explicitly referencing CIL – a clear reference to the role of



CIL contributions would be preferable here, as this is the primary mechanism by which cumulative infrastructure impacts are addressed under national planning policy. The wording around “benefits offered to LBTH...proportionate to the scale of the development” could also be reworded to be more in line with the NPPF, which requires planning obligations to be “necessary to make the development acceptable in planning terms; directly relevant to the development; and fairly and reasonably related in scale and kind to the development” (para 56). This is to ensure that the two mechanisms by which infrastructure contributions are secured in national planning policy are made clear within the policy – CIL for cumulative impacts, and planning obligations for site-specific interventions. Suggested wording is set out in the table below. Similarly, paragraph 4.4.4.4 of the supporting text refers to infrastructure being “secured in other ways” than a Section 106 agreement, and this paragraph requires more clarity on the mechanisms for securing infrastructure in national planning policy – it is not clear what ‘other ways’ are being referred to.

24. While acknowledging that there is a reference to “the impact of cumulative development” in the new London Plan policy, the council is also concerned by the use of this wording in the neighbourhood plan. It is noted that in the new London Plan policy, clause B uses the word ‘cumulative’ to put a requirement on boroughs. If the cumulative impact exceeds existing infrastructure capacity, it is then incumbent on the borough to work with applicants to ensure there are suitable levels of infrastructure planned for, and to phase the development accordingly if necessary. The supporting text (paragraph 3.2.1) is clear that it is “boroughs and infrastructure providers” who should consider the impact of cumulative developments, and that they should do so in regard to a lack of existing infrastructure capacity. Clause C, relating to specific developments that exceed the planned infrastructure capacity that stems from clause B, does not refer to cumulative impact, and the supporting text is clear that the infrastructure impact assessment undertaken in these circumstances should be “site-specific”. The council therefore believes that the references in the neighbourhood plan to assessing cumulative impact from other developments as part of the infrastructure impact assessment for specific proposals should be deleted, to ensure general conformity with the new London Plan and to have regard to national policy on the situations in which planning obligations can be secured (i.e. that the obligations must be directly relevant to the proposed development, and a development cannot be required to deliver infrastructure requirements stemming from other developments).
25. The NPPF also notes that “agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making” (para 55). In the spirit of this paragraph, the council suggests that the policy could be reworded to encourage pre-application engagement on infrastructure needs, with applicants being encouraged to identify potential infrastructure impacts at the earliest opportunity and identify proportionate measures that could be offered as part of a planning application to mitigate them. This early engagement would create the possibility for applicants to identify additional infrastructure improvements that could be offered as part of proposals to address infrastructure deficits, while also maintaining the viability of new development and thus encouraging sustainable development. We note that the lack of this clause from the existing policy is not a reason for the policy to not meet the basic conditions – this is merely volunteered as a suggestion to help achieve the aim of the policy.

26. Paragraph 4.4.2.5 states that “infrastructure impacts will be considered unacceptable where they result in negative impacts that cannot be adequately mitigated”, but does not clearly state what should happen in this situation – nor does supporting text paragraph 4.4.4.5. In line with the new London Plan policy wording, this paragraph should state that under these circumstances, the scale of the proposal should be reconsidered. This is a more positive wording than to suggest that developments should be refused permission, and therefore supports sustainable development. If the policy is otherwise reworded to encourage early engagement on infrastructure issues, this would provide such an opportunity to identify unacceptable impacts and to reconsider the proposal before submission of a formal planning application.

27. The council believes that without these proposed changes to the wording of the policy, the policy potentially fails to meet the basic conditions of having regard to national policy, being in general conformity with the development plan for the area, and contributing to the achievement of sustainable development.

Table 2: Policy D1 suggested changes

Section	Suggestion	Basic Condition Consideration
Para 4.4.2.1	<p>“...applicants for <del>Major and Strategic</del> developments within the Area...”</p> <p>OR</p> <p>“...applicants for <del>Major and Strategic</del> <b>residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less</b> <del>developments within the area...</del>”</p>	Encourage sustainable development; general conformity with the Tower Hamlets Local Plan (and the SHLAA on which its preparation was based).
After para 4.4.2.1	Insert new paragraph: <b>“Applicants are encouraged to engage at an early stage on the potential infrastructure impacts of proposals, to better identify negative impacts and potential mitigation.”</b>	Having regard to NPPF Para 55 on early engagement.
Para 4.4.2.2	“Where the Infrastructure Impact Assessment indicates that there is sufficient <b>planned and delivered</b> infrastructure capacity to support the proposed densities <del>(including the impact of cumulative development)</del> , <b>the proposal</b> <del>it</del> will be supported.”	Having regard to NPPF para 15 on the requirement for the planning system to be plan-led; having regard to NPPF para 56 on planning obligations; general conformity with new London Plan Policy D2
Para 4.4.2.3	“Where the Infrastructure Impact Assessment indicated that there is insufficient <b>planned and delivered</b> infrastructure capacity to support the proposed densities <del>(including the impact of cumulative development)</del> , then potential improvements to infrastructure capacity should be assessed and proposed,	Having regard to NPPF para 15 on the requirement for the planning system to be plan-led; having regard to NPPF para 56 on planning obligations; having regard to the role of CIL; general conformity with new

	<p><b>taking into regard the CIL contribution that the development will make, and the requirement for planning obligations to be necessary, directly relevant, and reasonably related in scale and kind to the development</b>  <del>as benefits offered to LBTH as part of the proposed development and/or as contributions towards local infrastructure, proportionate to the scale of the development."</del></p>	London Plan Policy D2.
Para 4.4.2.5	<p><del>"Infrastructure impacts will be considered unacceptable w</del>  <b>Where infrastructure impacts they result in negative impacts that cannot be adequately mitigated through CIL contributions and/or planning obligations, the scale of the development should be reconsidered to reflect the capacity of planned infrastructure and additional infrastructure that can be delivered by the development."</b></p>	Having regard to the role of CIL and s106 agreements for infrastructure delivery; general conformity with new London Plan policy D2; and to encourage sustainable development.
Para 4.4.4.2	<p><del>"The Infrastructure Baseline Analysis may be replaced by LBTH from time to time by a similarly detailed structured analysis that has been updated and enhanced (but is no less detailed) to be known as LBTH's Infrastructure Analysis"</del></p>	To enable consistency with existing infrastructure baseline work being undertaken by the council.
Para 4.4.4.3	<p><del>"Applicants proposing relevant residential developments are required to provide an Infrastructure Impact Assessment explaining and justifying the impact of their proposal against the then current Infrastructure Analysis, and taking into account updated for further consented developments as at the time of their application..."</del></p>	Clarity about responsibility for updating the baseline; having regard to PPG Neighbourhood Planning para 41 and NPPF para 16(d) on the need for policies to be clear and unambiguous.
Para 4.4.4.4	<p><del>"This may include, but is not limited to, contributions offered as part of a Section 106 Agreement, or through the Community Infrastructure Levy secured in other ways..."</del></p>	Having regard to the role of CIL in infrastructure delivery.
Para 4.4.4.5	<p><del>"In view of the overriding principle of Sustainable Development, if the proposed development's negative infrastructure impacts cannot be adequately mitigated, then the scale of the development should be reconsidered in line with planned infrastructure capacity and any additional infrastructure capacity that can be delivered by the development through CIL or Section</del></p>	To keep this paragraph in line with proposed changes to para 4.4.2.5.

	<b>106 Agreements it should be considered unacceptable.”</b>	
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### Policy D2 – High Density Developments

28. The council has no significant problems with the aim of this policy, but is concerned it may fail to meet the basic conditions by failing to pay regard to paragraph 41 of the PPG on neighbourhood planning and paragraph 16(d) of the NPPF through not being sufficiently clearly worded.
29. The policy states that applications above a certain density “shall specify how they conform to the GLA’s Housing SPG”, which inappropriately promotes that entire document to the status of a planning policy rather than supplementary guidance. However, the supporting text then suggests that paragraphs 1.3.51 and 1.3.52 of the SPG are the key sections that the forum is concerned with. If this is the case, the policy should specifically refer to these paragraphs to reduce the scope and complexity of the policy.
30. The policy refers to a threshold of 1,100 habitable rooms per hectare at which this policy requirement becomes applicable. The council supports this approach, which relates to the density matrix from the existing (but soon to be superseded) London Plan. The examiner’s report for the ‘quick plan’ stated that this approach would be appropriate, as the London Plan was still part of the adopted plan for the area. We note that although it is still the case that the 2016 London Plan (with the density matrix) is part of the adopted development plan for the area, the new London Plan (without the density matrix) is now at a more advanced stage than during the examination of the ‘quick plan’. However, the SHLAA that was used in the development of the council’s new Local Plan was based on the version of the London Plan that includes the density matrix. The matrix was therefore used in assessing appropriate densities and site capacities within the borough, and therefore in planning the appropriate level of accompanying infrastructure. On this basis, we believe that the 1,100 habitable rooms per hectare threshold is an appropriate level for stating when a development exceeds planned-for densities, and could therefore be included in this policy (and in policy D1). We look to the examiner for guidance on whether this approach is appropriate and meets the basic conditions.

*Table 3: Policy D2 suggested changes*

<b>Section</b>	<b>Suggestion</b>	<b>Basic Condition Consideration</b>
Para 4.4.5.1	“...shall specify how they conform to <b>paragraphs 1.3.51 and 1.3.52 of the GLA’s Housing SPG</b> , <del>and not only that they are of a high design quality...</del> ”	Having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous; having regard to the general hierarchy of planning documents by not promoting the entire SPG to the status of a policy.

## Policy ES1 – Use of Empty Sites

31. As stated at previous consultations and in meetings with the forum, the council is generally in support of the aims of this policy, but has some comments about its implementation. As the policy may be confusing and difficult to apply in its current form, it fails to have regard to national guidance from the PPG on neighbourhood planning: “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” (Reference ID 41-041-20140306). It also fails to have regard to NPPF paragraph 16(d), which states that plans should “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.
32. As currently written, the mechanism used in the policy to secure planning permission for the meanwhile use is not sufficiently clear. The permission for the ‘primary’ proposal and the meanwhile use could not be granted through the same application, but it is not clear when a separate planning permission for the meanwhile use is intended to be submitted.
33. To address this and provide a clear route for the development of the meanwhile use, the council suggests that the policy should instead require developers to “make reasonable endeavours” to make strategic sites available for a temporary use if development does not commence within a certain time period (and we would suggest a year rather than six months, as this is a more realistic timeframe for strategic developments to commence within). This requirement for ‘reasonable endeavours’ could be made an obligation in a Section 106 agreement, and could include charging a reasonable fee for the site, making it available for a reasonable timeframe, and demonstrating relevant marketing towards and engagement with relevant organisations that might be interested in delivering meanwhile uses. The requirement for an initial feasibility study of which meanwhile uses would be appropriate on the site could also be retained, in order to help guide these ‘reasonable endeavours’.
34. The meanwhile use itself would then be the subject of a separate planning application, ensuring that it is granted or refused on its own merits, rather than being subsumed under a much bigger and more permanent proposal.
35. This suggestion requires a significant rewrite of the policy, as found in the table below. All paragraphs referring to the Construction Management Plan as the mechanism by which the meanwhile use is implemented have been removed, as this seems to have assumed that the meanwhile use would be a subordinate part of the primary development.
36. The council has no particular issue with most of what is included in the list of meanwhile uses, although we note that the examiner’s report on the ‘quick plan’ states that the priority order “seems not to be well evidenced” (para 8.2). We agree that it may be better expressed as a list of suggested potential meanwhile uses rather than as an ordered list, as there would be no real way of enforcing the priority order under the suggested approach. The council also questions the inclusion of affordable housing on the list – while we acknowledge the significant need for affordable housing in the borough, providing it as a

meanwhile use does not seem appropriate, as it would only provide short term (potentially very short term) and insecure accommodation.

37. The Council would support the use of a condition to extend planning permission to five years on the basis that the previously mentioned ‘reasonable endeavours’ had been made to secure a meanwhile use on the site.

38. If the policy is changed as suggested there will also be the need for a significant rewrite of the supporting text.

39. The council is of the opinion that the policy meets the majority of the basic conditions, but we believe that greater clarity on the mechanisms that are intended to be used to implement this policy is needed to bring it in line with the national guidance on how plans should be drafted – and therefore to meet the basic condition on having regard to national policy and guidance.

Table 4: Policy ES1 suggested changes

Section	Suggestion	Basic Condition Consideration
Para 4.5.2.1.1	“Applications for Strategic Development should submit, <del>as part of their planning application, a feasibility study and impact assessment</del> for one or more potential Meanwhile Uses on their sites (including for existing buildings) which <del>sh</del> could be implemented – whether by the applicant or by third parties – if the development is not begun in accordance with the substantive planning application for more than <del>twelve</del> <del>six</del> months after gaining final planning consent.”	To encourage sustainable development; having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for clear and unambiguous policies.
Paras 4.5.2.1.2 to 4.5.2.1.3.2	Delete	To make way for the proposed rewording below.
After para 4.5.2.1.1	Insert new paragraphs: <b>“An obligation will be made part of any Section 106 agreement on Strategic Developments within the Area, stating that the length of planning permission will be extended to five years if the developer takes reasonable endeavours to make the site available for a meanwhile use within twelve months of the substantive planning application gaining consent. If such reasonable endeavours are not made, the permission will remain at three years.</b>  <b>If a proposed meanwhile use requires planning permission, this will be the subject of a separate planning application.”</b>	Suggested rewording that has regard to NPPF and PPG requirements for clear and unambiguous policies.

Para 4.5.2.2	“Such Meanwhile Uses should be for one or more of the following purposes, subject to site specific constraints <del>(in order of priority)</del> .”	To make the feasibility assessment process simpler (by removing the need to assess options in the priority order of this list).
Para 4.5.2.2.2	“Affordable workspace <del>or housing</del> ”	Affordable housing not considered an appropriate meanwhile use
Para 4.5.2.3.2	Delete	If suggested wording above for the second paragraph of this policy is accepted, then this paragraph would be a repetition of the same point.
Para 4.5.4.1	“The planning application should include a section detailing how and what the site could be temporarily used for if there were to be more than <del>twelve</del> <sup>six</sup> months’ delay in building out the development...”	In line with suggested policy rewording above.
Paras 4.5.4.2 to 4.5.4.6	Delete	In line with suggested policy rewording above.
After para 4.5.4.1	<p>Insert new paragraphs:</p> <p><b>“A Section 106 agreement on such applications will require developers to take reasonable endeavours to make their site available for a meanwhile use within twelve months of consent being granted, in exchange for an extension of the planning permission from three years to five years.</b></p> <p><b>Such reasonable endeavours may include making the site available at an appropriate cost and for an appropriate length of time, and undertaking suitable marketing activities towards or engagement with suitable organisations that may be interested in delivering a meanwhile use on the site.</b></p> <p><b>If there is interest in bringing forward an appropriate meanwhile use for the site, this will be the subject of a separate planning application, which may be brought forward by the original applicant or a third party.</b></p>	In line with the suggested policy rewording above.

Policies CC1/2/3 – Construction Management and Communication

40. The council considers that all three of these policies are in line with the basic conditions. However, there are some slight concerns over the delivery of policy CC1. Consultations on changes to the Construction Management Plan should be undertaken by LBTH or the details of such consultation activity need to be provided to LBTH to ensure that it was suitable. The specific inclusion of a minuted meeting with affected councillors is unwarranted and unjustified – there are multiple ways of consulting the community, and appropriate consultation can be undertaken without necessarily having to include such a meeting.

*Table 5: Policy CC1 suggested changes*

Section	Suggestion	Basic Condition Consideration
Para 4.6.4.1.1	<p>“only be made after effective consultation with the affected local community <b>led by LBTH in line with the principles within LBTH’s Statement of Community Involvement</b>, <del>which consultation shall include at least a minuted discussion with all</del> <b>to D local councillors whose ward includes the relevant site and/or whose electorate is likely to be affected by the proposed construction management changes, and who may at their discretion nominate a properly appointed proxy for this purpose; and”</b></p>	<p>Having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous.</p>

Policy SD1 – Sustainable Design

41. The aim of this policy is strongly supported, but with some concern that it may not have appropriate regard to national policy in the way it is currently worded.
42. Paragraph 4.7.2.2 states that applications should describe “whether and how they meet or exceed the Home Quality Mark”. As currently worded, this reads as if the only options are to meet the HQM or exceed it. The supporting text (para 4.7.4.1) then states “this is a reporting requirement and does not mandate the use of these standards”. The wording should be clarified here to confirm which approach is being taken. The council notes that the Written Ministerial Statement of 25 March 2015 states that plans should not require residential development to comply with any environmental standards beyond the building regulations and the optional technical standards. However, the council considers that a policy requiring the application of the Home Quality Mark could be appropriate on the Isle of Dogs, given the density of development and the importance of sustainable development. If the forum can provide appropriate evidence to justify the application of the Home Quality Mark in this area, we would ask the examiner to consider whether a variation from national policy is justified.
43. The reference to ‘non-self-contained residential accommodation’ in paragraph 4.7.2.1.1 also appears to be contrary to the Written Ministerial Statement. Again, the council would



support the application of the BREEAM 'Excellent' standard to such development on the Isle of Dogs if the forum can suitably evidence the need for such a policy, and if the examiner thinks a variation from national policy would therefore be appropriate.

44. We note that an identically-worded policy was included in the 'quick plan' version of the neighbourhood plan, and the examiner's view was that "this policy can satisfy the Basic Conditions with some drafting modifications...The policy and supporting text should only provide guidance to the relevant decision-maker". Without knowing exactly what redrafting the examiner had in mind in that case, if there is a possibility to redraft the policies to encourage or require the implementation of higher environmental standards while remaining in line with the basic conditions, the council would support this approach.
45. On this basis, the council makes no specific wording suggestions for this policy, and asks the examiner to consider whether any changes are required to ensure the neighbourhood plan meets the basic conditions.

#### Policy AQ1 – Air Quality

46. The council supports this policy objective, but notes that this particular policy replicates a policy from the Knightsbridge Neighbourhood Plan, and a number of issues exist with the wording in terms of clarity. We appreciate that this policy has been found to meet the basic conditions during the examination of the Knightsbridge plan. However, we still feel that as currently worded, this policy is confusing and conflates two distinct (and important) issues – air quality and climate change. This position has been communicated to the forum during the preparation of both the 'quick plan' and 'basic plan' versions of the neighbourhood plan, but only minor amendments have been made to the policy. We also note that directly importing a policy from a neighbourhood plan from a different part of London (and one with significantly greater air quality problems) goes against the neighbourhood planning PPG paragraph 41 advice that policies "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".
47. For the sake of clarity, we therefore have to suggest that the climate change references be removed from the policy in order to ensure it is a policy that is about air quality. The council consider climate change a pressing issue which planning policy documents can and should address – the council has declared a climate emergency and an intention to be zero carbon by 2025, and the new Local Plan for the borough includes a policy on achieving a zero-carbon borough. However, this policy's primary focus and requirements all relate to air quality, which makes the climate change aspects of the policy ineffective.
48. If references to climate change are removed from the current version of the neighbourhood plan, the council would like to express its intention to work closely with the forum to prepare a more effective climate change policy for inclusion in the proposed 'long plan' that the forum intends to begin work on after the adoption of this plan. This would not mean that the area would not benefit from a climate change policy in the meantime, as there are suitable policies relating to climate change in the new Tower Hamlets Local Plan.

49. The definition of a “significant” increase in air pollution in paragraph 4.8.2.1 needs further definition – what qualifies as ‘significant’ in this situation? We have provided no suggested wording for this point, as we do not want to pre-empt what the forum may have considered to be a ‘significant’ increase in this situation.
50. As also stated in our previous consultation responses, WHO guidelines are not recognised in UK law, and EU or UK guideline limits would be better referred to in paragraph 4.8.2.4. In the same paragraph, carbon dioxide is required to be considered for the purposes of indoor air pollution – no justification is given for this, considering that concentrations of indoor carbon dioxide need to reach very high levels before becoming dangerous to human health. No evidence has been provided to suggest that indoor carbon dioxide concentrations are of a particularly high level in the Isle of Dogs.
51. Paragraph 4.8.2.5 provides a requirement that “all flues should terminate above the roof height of the tallest part of the development in order to ensure the maximum dispersal of pollutants”. However, some flues release only hot air, rather than pollutants, and it should be clear whether the policy applies to these flues, or only those which release harmful pollutants. Similarly, it may be better for planning documents to state a general principle that pollutants should be released at a level at which they will not have harmful effects on human health, rather than try to set a specific technical standard for where flues should be located – this risks pre-empting the role of air quality officers in finding suitable solutions for individual developments.
52. Again, the council does not believe that there are fundamental problems with the aim of the policy – but it does need some redrafting to ensure it is in line with the national guidance on how neighbourhood planning policies should be drafted.

*Table 6: Policy AQ1 suggested changes*

<b>Section</b>	<b>Suggestion</b>	<b>Basic Condition Consideration</b>
Para 4.8.2.1	“Such pollutants include: <del>greenhouse gases;</del> ...”	Having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous.
Para 4.8.2.2	“Development should comply at least with all minimum EU or UK environmental requirements in relation to air pollutants <del>whichever is the more stringent.</del> ”	At the time of writing, these two sets of standards are identical; if they diverge in the future, it is unclear that planning policy can legally require development to still follow stricter EU regulations.
Para 4.8.2.3	“Major and Strategic Developments must demonstrate that they are designed to ensure that indoor air quality complies with the latest <b>EU or UK</b> <del>WHO</del> guidelines for short and long term air quality including particulate matter (PM2.5 and PM10), nitrogen dioxide (NO2), carbon	To ensure compliance with EU or national regulations; having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous.

	monoxide (CO), formaldehyde and volatile organic compounds (VOCs). <del>Carbon Dioxide (CO<sub>2</sub>) concentrations in indoor air should also be considered.</del> Compliance with such standards is also encouraged on substantial refurbishment schemes.”	
Para 4.8.2.5	“All flues <b>used to release harmful emissions</b> should terminate <b>at a height which allows for</b> <del>above the roof height of the tallest part of the development in order to ensure</del> the maximum dispersal of pollutants <b>so as not to affect human health.</b> ”	Having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous.
Para 4.8.3.1	Delete	Having regard to PPG Neighbourhood Planning para 41 on the need for neighbourhood plans to reflect the character of the specific area for which they are prepared.
Para 4.8.3.2	“ <del>Air pollution comprises greenhouse gases (such as carbon dioxide (CO<sub>2</sub>) and ozone (O<sub>3</sub>)) and local air pollution. The latter contains particles (such as PM<sub>1</sub>, PM<sub>2.5</sub> and PM<sub>10</sub>) and gases.</del> ”	Having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous.
Para 4.8.4.3	“ <del>Health, and legal and climate imperatives and ambitions mean that development in the Area must not contribute to reductions in emissions to air quality. No worsening of air quality must be allowed in areas where limit values are exceeded.</del> ”	To ensure that the supporting text matches the policy wording – policy calls for ‘air quality neutral’, i.e. no worsening of air quality, and does not refer specifically to areas where limit values are exceeded.

### Policy 3D1 – 3D Model for Applications

53. This policy relates to requirements that are already in operation at LBTH. The council supports the policy and has no further comments to make.

### Policy RB1 – Resident Ballot Requirement

54. Council officers suggested a policy of this kind be added at the Regulation 14 consultation and in discussions with the forum following that consultation. This suggestion sought to address the neighbourhood plan’s objective to require a ballot on estate regeneration schemes (an objective the council supports), while still being considered an appropriate

policy on land use and planning (and therefore able to be included as a policy rather than as an ‘aspiration’). The suggestion was for the policy to encourage developers of estate regeneration schemes to seek GLA funding, a condition of which is to hold a ballot on the scheme. Both London Plan and Local Plan policies already encourage developments to maximise grant funding, and this is a suitable land use policy. We also consider this approach beneficial as it prioritises the simpler GLA ballot requirements above the more complicated suggestions in the Annex aspirations – although contradictions still exist between the two, which will be further discussed below in relation to the Annex aspirations.

55. The council therefore supports this policy aim and suggests only a minor change in wording to say that proposals for estate regeneration “will be expected” to apply for GLA funding, rather than “must” apply – as not applying for the funding may not be a sufficient reason for refusal of an application.

56. In the discussion of the Annex chapter below, we suggest that aspirations ER1, ER2, and ER3 be deleted. If this proposal is taken forward, but the forum still wishes to include a general encouragement for estate regeneration projects to include a ballot of affected residents, a second paragraph could be added to policy RB1 to encourage developers to hold a ballot even if funding is not received.

*Table 7: Policy RB1 suggested changes*

Section	Suggestion	Basic Condition Consideration
Para 4.10.3	“...any landlord or developer pursuing an Estate regeneration project which involves the demolition of social homes in the Area <b>will be expected to</b> <del>must</del> apply for GLA <b>grant</b> <del>Estate regeneration</del> funding...”	To remove mandatory wording
After para 4.10.3	Insert new paragraph: “ <b>Where GLA funding is not granted, estate regeneration projects that include the demolition of social homes will still be encouraged to hold a ballot of affected residents along the guidelines provided by the GLA for such ballots.</b> ”	To translate the aims of Annex aspirations ER1, ER2 and ER3 into policy RB1, on the suggestion that those aspirations can then be deleted.
Para 4.10.5.1	“If so, an application to the GLA for such funding <b>is expected to</b> <del>must</del> be made...”	To remove mandatory wording

### Annex Chapter 1 – Estate Regeneration

57. The council is supportive of the clear recognition in the wording of the neighbourhood plan that the Annex aspirations “do not form part of the statutory part of this Plan” (para 5.1). This is in line with paragraph 4 of the neighbourhood planning PPG, which states that “wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan” (reference ID 41-004-20190509).

58. The council recognises that these nine aspirations are not attempting to act as planning policy and their implementation would not be required as a condition of granting planning permission. They will not be expected to be used, nor will they be used, in making decisions on planning applications. Nonetheless, we consider that some aspects of what is included create confusion and could undermine council objectives relating to estate regeneration. Some of the suggestions are also inappropriately prescriptive for what are accepted to be “wider community aspirations” under paragraph 4 of the PPG. Many of the specific requirements of these aspirations would also be very difficult to deliver in practice, and therefore potentially do not have sufficient regard to paragraph 16(b) of the NPPF, which states that plans should be “aspirational but deliverable”. Should the examiner consider it appropriate to make amendments to this section, we include some suggestions here that we think would improve the overall cohesion of the neighbourhood plan document by addressing problems with the Annex.
59. Policy RB1 in the neighbourhood plan, which the council accepts is a planning policy rather than a community aspiration, sets out a clear process by which a ballot will be required on estate regeneration projects (i.e. through the granting of GLA funds for projects involving the demolition of any social housing); and in doing so, sets out by proxy clear requirements for how that ballot should be undertaken (i.e. under the GLA requirements for ballots on any estate regeneration project that receives funding). To then have several aspirations that set out a different requirement for how a ballot should take place is contradictory, confusing, and sets up the potential for muddled expectations among developers and communities. Despite being in an annex that does not form a statutory part of the development plan, containing these contradictory elements within the same document potentially does not meet the basic conditions, as it does not have sufficient regard to the NPPF and PPG requirements for policies to be clear and unambiguous.
60. At the very least, further text is required to clarify the relationship between the Annex aspirations and policy RB1. It should be made clear that if GLA funding is provided, estate ballots will follow the GLA requirements rather than the neighbourhood plan Annex requirements. Presumably, the intention is that if GLA grant funding is not provided, there is still an aspiration for the Annex requirements to be implemented – if so, this should be stated explicitly.
61. The text currently included in paragraph 5.3.1.21 does not do enough to clarify the position – by stating that the aspirations are “additional” to policy RB1, this seems to suggest that the forum would like landlords to undertake both the GLA ballot requirements and their own ballot requirements. Similarly, to state that policy RB1 “shall take precedence” in instances of conflict is not as clear as it could be – this again seems to suggest the possibility that the GLA ballot requirements and the neighbourhood plan ballot requirements could, in circumstances where the neighbourhood plan requirement is additional rather than directly conflicting, be ‘mingled’ to create an unusual (and complicated) hybrid set of ballot requirements.
62. Aspirations ER1-3 also contain a number of paragraphs that are confusing or unclear. Paragraph 5.3.2.1.5 requires a vote between multiple options, but it is unclear who will develop these multiple options. Paragraph 5.3.2.1.6 states that votes are needed for any proposal involving demolition of homes, but also, possibly, “for other proposals that could have significant impacts on existing residents’ quality of life” – this is not a clear enough

criterion for when to hold a vote. Paragraph 5.3.5.1.3 suggests that the electorate will be decided on a case-by-case basis, stemming from the consultation process before the vote – this raises the possibility of the decision on the franchise becoming a very contentious issue on each estate regeneration ballot, and provides little guidance to developers. Paragraph 5.3.5.1.6 requires votes to be declared by block or street, which could add to the contentious nature of the vote if certain areas are seen to be ‘deciding’ for other areas in what the following paragraph describes as a simple majority vote.

63. We also consider it unlikely that developers will voluntarily follow the complicated requirements of the Annex when policy RB1 creates an expectation that the GLA requirements are acceptable – in these circumstances, adding another set of requirements in the Annex risks setting false expectations among residents. The council suggests, therefore, that Annex aspirations ER1, ER2 and ER3 be deleted in their entirety. In their place, a second clause could be added to policy RB1 stating that “where GLA funding is not granted, estate regeneration projects that include the demolition of social homes will still be encouraged to hold a ballot of affected residents along the guidelines provided by the GLA for such ballots”. This policy wording recognises that a ballot cannot be a condition of planning permission, but increases the likelihood of developers voluntarily taking on a ballot by presenting them with a clear and simple method for doing so.
64. If aspirations ER1-3 are deleted, there may also be a need to delete or relocate a significant amount of the introductory text for this chapter, which refers primarily to estate regeneration ballots rather than the principles in aspirations ER4-9. This text has some value as a justification of the importance of community involvement, and the council suggests much of it could be relocated to provide a justification or introduction to policy RB1. If this happens, some amendments will be needed to the text to remove references to the Annex. If the proposed changes in this section are accepted, a new, shorter introductory text for this Annex chapter could be included. We have not provided suggested text for this at this time.
65. Regarding aspirations ER4, ER5 and ER6, the council has made detailed comments on the wording of these aspirations at Regulation 14 stage. In essence, the principles embodied in these aspirations are broadly acceptable to us in most cases, but the wording of the aspirations is overly prescriptive and presents a one-size-fits-all approach in an area where landlords retain some discretion. There are also some areas where we disagree with the approach taken and do not consider it good practice.
66. For example, paragraph 5.3.11.1 states that “any resident regardless of tenure must have the right of return” – this cannot be guaranteed in the case of, for example, residents who are private tenants on an estate. The council also considers that non-resident leaseholders (i.e. those who rent their flat to others) do not require the right to ‘return’ to the same extent as residents. Various paragraphs in ER5 and ER6 require developers to provide full cost information in advance, down to the level of hot water and council tax charges – it is not reasonable to expect developers to know the costs of these items potentially several years in advance of a development being completed. ER6 again aims to provide the exact same rights to resident and non-resident leaseholders, and does not acknowledge the very different circumstances between these two groups. The proposal for an equity gift for leaseholders could also have significant impacts on the viability of estate regenerations and therefore limit the delivery of affordable housing on these schemes. Generally speaking,

the council considers that the complexity of estate regeneration requires the detailed approach to be considered on a site-by-site basis as schemes come forward, rather than prescribed in detail in advance.

67. We believe that these policies would be better stated as broad principles, rather than as attempts to set a considerable level of precise detail around how landlords should act in these circumstances. The principles of the 'George Clarke Review', included as aspiration ER7, already cover many of the basic principles being put forward in aspirations ER4-6. For example, paragraph 5.3.20.1.3 states that there should be no unreasonable net financial losses for moving into a new property as part of an estate redevelopment – similar to requirements in ER5 and ER6 for rent levels to be maintained and for assistance for leaseholders to be able to afford redeveloped properties. The 'right to return' is also included in the principles (para 5.3.20.1.8), as is the possibility of upsizing or downsizing (para 5.3.20.1.2), in addition to a number of other useful points that are not covered by the other Annex aspirations. If the forum consider that important principles are missing from the George Clarke Review that are covered by ER4-6 (for example, retention of the regulatory status of rents from paragraph 5.3.14.1.4), then the George Clarke principles could be used as the basis for writing a more situation-specific list of general principles for application in the area.
68. On this basis, the council would suggest that aspirations ER4 to ER6 should be deleted, with aspiration ER7 (potentially with some additions) used to set general principles for estate regeneration. The encouragement of these principles would allow for a wider set of scenarios to be considered in estate regeneration projects than the prescriptive set of suggestions currently contained in ER4-6.
69. The council is generally supportive of the aim of aspiration ER8, and has an existing requirement for reviewing the requirements and viability of businesses on estate regeneration schemes. However, requiring below market rents in all such situations may be in conflict with the best value considerations contained in Section 123 of the Local Government Act. It is the council's view that it is more appropriate for regeneration to enable improved shop premises, and to consider which uses are desired and sustainable, and which businesses are viable within a framework of potential relocation of and assistance to remaining businesses (for example, providing graduated rent increases to match anticipated increases in footfall, or requiring relocation to a more appropriate area). Some rewording could address this. Something similar to this could also be added to the broader set of principles proposed for ER7 in the previous paragraphs, without the need for a separate ER8.
70. Aspiration ER9 requires that "any profit generated by Public Landowners in the Area should be re-invested in the Area, for example through Infrastructure investment or maintenance". LBTH and the Canal and River Trust are specifically referred to in the supporting text, although the policy text refers specifically to estates facing redevelopment. Both of the public bodies listed are not profit-making organisations, making it unclear what is being asked for here in practical terms. The council appreciates that communities have an aspiration for money generated in an area to be reinvested in that area, but when it is unclear what money is being referred to or how it is expected to be spent, it is difficult for any public body to adhere to this recommendation. In addition, any money raised by the council, such as through capital receipts, would be used on capital projects in accordance

with need and demand as evidenced through the Infrastructure Delivery Plan. Consequently, we would suggest that this aspiration should also be deleted, unless it is significantly reworded.

71. Throughout this section, the ‘How Annex Aspiration ER[x] Works’ sub-sections refer to including these ‘requirements’ as legally enforceable conditions. As it is now accepted that this section is aspirational, its contents should not be referred to as ‘requirements’, and have no policy basis to be written into Section 106 requirements. All these paragraphs should therefore be deleted.

Table 8: Annex Chapter One suggested changes

Section	Suggestion	Basic Condition Consideration
Paras 5.3.1 to 5.3.1.21	Relocate paragraphs to the beginning of Policy Chapter 7, replacing paragraph 4.10.1.1. Amend text accordingly to remove references to annex aspirations if this relocation is implemented.	To retain this justification of estate ballots in a more appropriate place.
Para 5.3.1.21	<p><b>“The ballot requirements in aspirations ER1-3 are encouraged to be followed if grant funding is not provided by the GLA under policy RB1. For the avoidance of doubt, if GLA grant funding is provided, only the GLA ballot requirements should be followed.</b> <del>the Annex aspirations are intended to be additional to Policy RB1 and, in the event of any conflict, Policy RB1 shall take precedence but without limiting any other provisions of the Annex aspirations”</del></p> <p>Change to be made if aspirations ER1-3 are not deleted, as suggested below. Otherwise, paragraph should be deleted in full.</p>	Having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous (in this case, the need for the requirements of RB1 to be clear, and not to be undermined by the contents of the annex).
Paras 5.3.2 to 5.3.10.1	Delete	To be replaced with additional wording in policy RB1, suggested above; having regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous.
Paras 5.3.11 to 5.3.19.1	Delete	To be subsumed under aspiration ER7; having regard to NPPF para 16(b) on the need for policies to be aspirational but deliverable – with a set of principles in ER7 being more deliverable than the existing



		ER4-6.
Paras 5.3.20 to 5.3.22.1	Potentially rewrite to include more area-specific principles, including additional principles that are not included in the current list but stem from deleted aspirations above.	Having regard to PPG Neighbourhood Planning para 4, which suggests that the Annex is the appropriate place for “wider community aspirations”, rather than the specific and prescriptive approach currently taken.
Para 5.3.23.1.2	“Subject to the viability of the proposed development, if market rents for new premises will be higher than existing rates, <b>proposals for commercial Leaseholders including should be offered sub-market rents staggered rent increases or assisted relocation to more suitable trading areas should be considered to the match their old rates per square metre</b> , and premises of suitable size with long leases <b>should be offered where appropriate.</b> ”	To better match existing good practice and to ensure that businesses are not unfairly subsidised at the point where market rents become affordable to them.
Paras 5.3.26 to 5.3.28.1	Delete	Lack of clarity over what the aspiration is asking to be done – aspiration does not have regard to NPPF para 16(d) and PPG Neighbourhood Planning para 41 on the need for policies to be clear and unambiguous.
Between paras 5.3.2 and 5.3.28.1	Delete all paragraphs taking the form of “The S106 agreement should where appropriate include the requirements in Annex aspiration ER[x] as legally enforceable conditions.”	Having regard to PPG Neighbourhood Planning paragraph 4, that the Annex should contain ‘wider community aspirations’ rather than enforceable planning conditions.

## Annex Chapter 2 – Helping Establish New Residents Associations

72. As this aspiration is now placed in an Annex, which is acknowledged to not be part of the statutory development plan, the reference to Section 106 agreements is not appropriate. Section 106 agreements would not be used to regulate interactions between landlords and tenants, which are managed by other elements of legislation.

*Table 9: Annex Chapter 2 suggested changes*

Section	Suggestion	Basic Condition Consideration
Para 5.4.2.1	“To support Sustainable Development in	To remove the reference to an

	<p>the Area, and to facilitate the establishment of recognised residents' associations in residential Strategic Developments, <b>proposals will be encouraged to implement the following recommendations as part of the S106 agreement for such new developments developers must ensure that:</b>"</p>	<p>inappropriate mechanism for encouraging or enforcing this aspiration; having regard to PPG Neighbourhood Planning para 4 on the proper role of the Annex.</p>
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CIL Spending Priorities

73. Again, the council recognises that this section of the plan is recognised to “not have the force of a planning policy”, and supports this position. We also recognise the forum’s desire for all of the CIL generated in the area to be spent in the area (or in ways that are “at least of direct benefit to the area”). Notwithstanding the recognition that the ‘neighbourhood portion’ of CIL is designed to ensure that some money raised through CIL is subsequently spent in the same broad area where it is raised, the general purpose of CIL is to address strategic infrastructure needs across boroughs, not to necessarily always address infrastructure needs in the area directly surrounding a particular development. CIL money raised in the Isle of Dogs will be spent according to need and demand, as evidenced through the Infrastructure Delivery Plan – but spending that money anywhere in the borough can potentially have positive impacts on the Isle of Dogs, even if these benefits are indirect.

74. We also note that a Local Infrastructure Fund consultation (the name LBTH uses for the ‘neighbourhood portion’ of CIL) has recently taken place, and received a large number of responses from the Isle of Dogs, including from the neighbourhood forum. The responses to this consultation will be taken into account alongside the recommendations in the neighbourhood plan when allocating Local Infrastructure Fund spending, to ensure that decisions on spending are as representative of the area as possible.

75. The council has no specific suggestions for wording changes in this section.

Conclusion

76. To briefly conclude, the council believes that the majority of the neighbourhood plan meets the basic conditions. However, we have concerns that policy D1 may not meet the basic conditions as currently drafted, in terms of:

- Having regard to national policy – through undermining or disregarding the plan-led system of providing infrastructure; and through not clearly recognising the mechanisms through which infrastructure is delivered, particularly in the case of CIL.
- Contributing to the achievement of sustainable development – through placing onerous requirements on individual developments to address cumulative infrastructure deficits, potentially impacting on the viability of schemes.
- Being in general conformity with the development plan – through deviations from the approach of new London Plan policy D2, particularly around the recognition of the

difference between existing and planned infrastructure capacity and the role of the Community Infrastructure Levy in infrastructure delivery; and the different approach to the consequences of being unable to adequately mitigate infrastructure deficits (the London Plan calls for the scale of a scheme to be reconsidered; the neighbourhood plan simply states that such a scheme would be ‘unacceptable’). We appreciate that only ‘general’ conformity is required, but consider that these small differences in wording represent a wide difference in approach.

77. We believe that the rest of the plan is broadly in line with the basic conditions, but may require some redrafting in order to sufficiently pay regard to the national policy requirement for neighbourhood plan policies to be clear and unambiguously written and to make clear to decision-makers how they should act in assessing planning applications. This is particularly the case for policies ES1 and AQ1. Policy SD1 may also need some minor redrafting to bring it more in line with national policy regarding additional environmental standards on new buildings.
78. We have also suggested significant re-writing to the Annex chapters. We understand that the examiner may decide that the basic conditions do not apply to this section of the plan, and that re-writing is therefore inappropriate or unnecessary. However, we believe that the Annex as currently written creates confusion for decision-makers and applicants for planning permission through setting out a system of complicated requirements with uncertain status – and the unnecessarily complicated and confusing situation created in this way undermines the plan’s policy on estate regeneration (RB1). We have therefore suggested a positive way of producing a more concise and useful annex setting out a clear set of principles for estate regeneration that would represent community aspirations that developers could take into account when moving forward on estate regeneration schemes. The only aspiration we have recommended for wholesale deletion is ER9 – in all other cases, we have suggested that the proposed deleted aspirations can be better subsumed under policy RB1 and what is currently aspiration ER7.
79. Where possible, we have provided suggested wording changes to bring the plan in line with the basic conditions, and hope these will be helpful to the examiner in considering the neighbourhood plan. Council officers would be willing to work further with the forum and/or the examiner if necessary to further refine potential wording changes to ensure the neighbourhood plan meets the basic conditions and can proceed to referendum.

## Documents Referenced

- Greater London Authority, [London Plan](#) (2016)
- Greater London Authority, [London Strategic Housing Land Availability Assessment](#) (2017)
- Greater London Authority, [Isle of Dogs and South Poplar Opportunity Area Planning Framework](#) (2019)
- Greater London Authority, [Intend to Publish London Plan](#) (2019)
- John Parmiter, [Isle of Dogs Neighbourhood Development Plan Report of Examination](#) (2018)
- London Borough of Tower Hamlets, [Infrastructure Delivery Plan](#) (2017)
- London Borough of Tower Hamlets, [Statement of Community Involvement](#) (2019)
- London Borough of Tower Hamlets, [SEA/HRA Screening for the Isle of Dogs Neighbourhood Plan Statement of Reasons](#) (2019)

- London Borough of Tower Hamlets, Response to the Isle of Dogs Neighbourhood Plan Regulation 14 Consultation (2019) (attached as Appendix Two)
- London Borough of Tower Hamlets, [Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits](#) (2020)
- Ministry of Housing, Communities and Local Government, [National Planning Policy Framework](#) (2019)
- Ministry of Housing, Communities and Local Government, [Guidance: Neighbourhood Planning](#) (2019 – last updated)

**Isle of Dogs Neighbourhood Plan 2019-2031**  
**Regulation 16 Consultation**  
**Response from London Borough of Tower Hamlets**  
**Appendix One – Tracked Changes of Suggested Wording Changes**

No changes made to policies CC1, CC2, CC3, SD1 or 3D1.

**Policy D1 – Infrastructure Impact Assessment**

1. To support Sustainable Development and in view of the strain on Infrastructure in the Area and the shortage of publicly owned land, applicants for ~~Major and Strategic Developments within the Area~~ residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less are required to complete and submit an Infrastructure Impact Assessment as part of the planning application.
- ~~1.2.~~ Applicants are encouraged to engage at an early stage on the potential infrastructure impacts of the proposals, to better identify negative impacts and potential mitigation.
- ~~2.3.~~ Where the Infrastructure Impact Assessment indicates that there is sufficient planned and delivered Infrastructure capacity to support proposed densities ~~(including the impact of cumulative development)~~, the proposal it will be supported.
- ~~3.4.~~ Where the Infrastructure Impact Assessment indicates that there is insufficient planned and delivered Infrastructure capacity to support proposed densities ~~(including the impact of cumulative development)~~, then potential improvements to Infrastructure capacity should be assessed and proposed, taking into regard the CIL contribution that the development will make, and the requirement for planning obligations to be necessary, directly relevant, and reasonably related in scale and kind to the development as benefits offered to LBTH as part of the proposed development and/or as contributions towards local Infrastructure, proportionate to the scale of the development.
- ~~4.5.~~ If the proposed development is contingent on the provision of new Infrastructure (including, without limitation, public transport services), the development should be phased accordingly.
- ~~5.6.~~ Infrastructure impacts will be considered unacceptable wWhere Infrastructure impacts they result in negative impacts that cannot be adequately mitigated through CIL contributions and/or planning obligations, the scale of the development should be reconsidered to reflect the capacity of planned infrastructure and additional infrastructure that can be delivered by the development.

## Policy D2 – High Density Developments

1. Planning applications for residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less shall specify how they conform to paragraphs 1.3.51 and 1.3.52 of the GLA's Housing SPG, ~~and not only that they are of a high design quality~~. Applications that do not adequately demonstrate this will be considered unacceptable.

## Policy ES1 – Use of Empty Sites

1. To support Sustainable Development in the Area and the productive use of available land:  
a. Applications for Strategic Development should submit, ~~as part of their planning application,~~ a feasibility study ~~and impact assessment~~ for one or more potential Meanwhile Uses on their sites (including for existing buildings) which ~~cs~~ should be implemented – whether by the applicant or by third parties – if the development is not begun in accordance with the substantive planning application for more than ~~twelvesix~~ months after gaining final planning consent.

b. ~~An obligation will be made part of any Section 106 agreement on Strategic Developments within the Area, stating that the length of planning permission will be extended to five years if the developer takes reasonable endeavours to make the site available for a meanwhile use within twelve months of the substantive planning application gaining consent. If such reasonable endeavours are not made, the permission will remain at three years.~~

a-c. ~~If a proposed meanwhile use requires planning permission, this will be the subject of a separate planning permission.~~

~~Where no demolition of existing buildings is included in the planning application for Strategic Development, the said potential Meanwhile Uses for the site shall be included in the relevant Construction Management Plan to be implemented – whether by the applicant or by third parties – if the development is not begun in accordance with the substantive planning application for more than six months after gaining final planning consent.~~

~~Where demolition of existing buildings is included in the planning application for Strategic Development, the said potential Meanwhile Uses for the site (including for existing buildings) shall be included in the relevant Construction Management Plan, and~~

~~If such demolition is not commenced within six months after gaining final planning consent, the Construction Management Plan shall provide for how the Meanwhile Uses (including for existing buildings) should be implemented, whether by the applicant or by third parties; or~~

~~If such demolition is commenced within six months after gaining final planning consent, the Construction Management Plan shall provide for how the demolition may only take place in such a way as to enable the Meanwhile Uses to be implemented – whether by the applicant or by third parties – if the further build-out of the development is not begun in accordance with the substantive planning application for more than six months after such demolition has taken place.~~

2. Such Meanwhile Uses should be for one or more of the following purposes, subject to site specific constraints ~~(in order of priority):~~

- Temporary pocket parks
- Affordable workspace ~~or housing~~
- Temporary farmers' markets or commercial markets
- Pop-up retail and/or restaurants
- Cultural and sporting activities
- Public art and lighting installations
- Other purposes agreed with LBTH.

3. Such sites should be used for Meanwhile Use on the following basis:

a. They can be recalled by the developer to build out the development in accordance with the substantive planning application, on reasonable notice in the context of the Meanwhile Use to which each site has been put.

~~b. Any current planning consent does not expire as long as the site is being used for an agreed Meanwhile Use, subject to a maximum of five years from the grant of final planning consent.~~

## Policy AQ1 – Air Quality

1. Development should not damage the health of the air by increasing emissions of harmful pollutants to it. Such pollutants include: ~~greenhouse gases~~; those considered by the United Nations to cause adverse impacts to the natural environment; and particles and gases considered by the World Health Organisation (WHO) to be harmful to human health. Any proposal that results in a significant increase in air pollution will only be justified in exceptional circumstances.
2. Development should comply at least with all minimum EU or UK environmental requirements in relation to air pollutants ~~whichever is the more stringent~~.
3. All development must aim to be at least 'air quality neutral' and not cause or contribute to worsening air quality. On Major and Strategic Developments this should be demonstrated through an air quality assessment and, if necessary, proposed mitigation measures.
4. Major and Strategic Developments must demonstrate that they are designed to ensure that indoor air quality complies with the latest EU or UKWHO guidelines for short and long term air quality including particulate matter (PM2.5 and PM10), nitrogen dioxide (NO2), carbon monoxide (CO), formaldehyde and volatile organic compounds (VOCs). ~~Carbon dioxide (CO2) concentrations in indoor air should also be considered~~. Compliance with such standards is also encouraged on substantial refurbishment schemes.
5. Air intake points servicing internal air handling systems (including air filtration systems and heating and cooling systems) should be located away from existing and potential pollution sources e.g. busy roads and combustion flues. All flues used to release harmful emissions should terminate at a height which allows for above the roof height of the tallest part of the development in order to ensure the maximum dispersal of pollutants so as not to affect human health.



## Policy RB1 – Resident Ballot Requirement

1. To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community and to maximise the delivery of affordable housing through maximising the funds available, any landlord or developer pursuing an Estate regeneration project which involves the demolition of social homes in the Area ~~will be expected to~~ must apply for GLA ~~grant~~ ~~Estate regeneration~~ funding and, if successful, must comply with the GLA's funding requirements, including without limitation the GLA's Resident Ballot Requirement Funding Condition.
- ~~1.2.~~ Where GLA funding is not granted, estate regeneration projects that include the demolition of social homes will still be encouraged to hold a ballot of affected residents along the guidelines provided by the GLA for such ballots.

**London Borough of Tower Hamlets**

**Response to the Isle of Dogs Neighbourhood Plan Regulation 14 Consultation**

**April 2019**

**1. Introduction and Summary of Main Points**

- 1.1 The Council is supportive of the aims and intentions of the majority of the draft Neighbourhood Plan.
- 1.2 We consider the draft Neighbourhood Plan to be in general conformity with the current Local Plan and the emerging Local Plan, as per the requirements of one of the Neighbourhood Planning 'Basic Conditions'.
- 1.3 We recognise that a number of significant changes have been made to the new 'Basic Plan' following the refusal at Examination of the 'Quick Plan'. These changes, in particular the separation of planning and non-planning policies, the provision of further evidence and the redrafting of policy D1, address a number of the Examiner's concerns.
- 1.4 However, there are some concerns that the policies, as currently worded, may still not meet all the required Neighbourhood Planning 'Basic Conditions', and in some cases would be difficult or impossible to implement. Further details are provided in the policy comments below.
- 1.5 Some concerns also remain from the previous 'Quick Plan' version of the Neighbourhood Plan. Therefore, relevant comments have been repeated in this response.
- 1.6 The Forum will also need to consider the increasing weight of the emerging London Plan and ensure that the Neighbourhood Plan, in particular policies D1 and D2, is in conformity with the revised approach to density in the new London Plan.
- 1.7 We are also concerned that the Neighbourhood Plan misinterprets the 'weight' that can be applied to the Annex policies. The current wording states that these policies will be 'weighed accordingly' – but these are not planning policies, and cannot be accorded any weight in planning decisions. This needs to be made completely clear in the wording of the Neighbourhood Plan to avoid misleading readers.
- 1.8 We are aware that the Forum intends to follow the 'Basic Plan' with a more detailed 'Long Plan'. However, we still feel that the 'Basic Plan' as currently constituted misses an opportunity to provide a positive spatial vision for land use and development in the Isle of Dogs – whether through site allocations or positively worded policies on, for example, the design of new developments.
- 1.9 Our initial assessment is that the Neighbourhood Plan does not require a full Strategic Environmental Assessment. Our screening report has been sent to the

three statutory consultees (Historic England, Natural England and the Environment Agency) for comment, and a determination letter will be published as soon as possible.

1.10 Overarching comments on the plan are provided in section 3 below, and detailed comments on individual policies and paragraphs in section 4. Council officers are able to provide further comments and clarifications if required.

1.11 The Council response has focused on the policies document but we have also provided some comments on the evidence base documents and Baseline Infrastructure Analysis.

1.12 The note contains:

- Brief overview of the legal framework for Neighbourhood Planning
- Overarching Comments
- Policy Specific Comments which cover both whether the policy meets the Neighbourhood Planning 'Basic Conditions' and comments relating to other Council functions.

## **2. Neighbourhood Plan Legal Framework**

### **2.1 Statutory Requirements (The Neighbourhood Planning (General) Regulations 2012):**

Regulation 14. Before submitting a plan proposal to the local planning authority, a qualifying body must—

(a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—

(i) details of the proposals for a neighbourhood development plan;

(ii) details of where and when the proposals for a neighbourhood development plan may be inspected;

(iii) details of how to make representations; and

(iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised;

(b) consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan; and

(c) send a copy of the proposals for a neighbourhood development plan to the local planning authority.

2.2 It is the responsibility of the Forum to meet these requirements and to be able to confirm that they have done so.

### **2.3 Soundness:**

2.4 The Neighbourhood Plan must meet 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. (Planning Policy Guidance paragraphs 69 and 70).*

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.

2.5 A consideration of how the plan meets these conditions is outlined within sections 3 and 4.

### **3. Overarching Comments:**

#### **3.1 Structure:**

- The structure of the Quick Plan is much easier to follow. The separation of the Plan and the Evidence Base is supported, as is the use of a context section as well as a 'reasons for X policy' and 'how policy x works' sections.
- The Forum should ensure that the information in each of these sections is relevant, and provides a justification or further guidance on the application of the policy, respectively. Some examples where this isn't clear are provided in the policy comments below.
- The use of coloured boxes for the policies also aids clarity although it would further aid clarity if the planning policies and annex policies were in different coloured boxes to help distinguish their different roles (see below).
- The latest version of the policies includes paragraph numbering on all sections, including the objectives, the policies themselves and their sub-clauses. This is harder to follow than the previous version (provided to the Council) which had numbered policies and lettered sub-clauses, although we support the consecutive numbering of paragraphs outside of the policy boxes.

#### **3.2 Planning policies and non-planning policies**

- Guidance is very clear that planning 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).
- We understand that the Forum have attempted to make some distinction between planning policies and non-planning policies by placing the latter in an annex.
- However, the Plan still includes confusing guidance and wording on the role of these annex policies. This is a serious problem for the clarity and applicability of the Plan (see 3.4 below).

- The policies in the Plan are either planning policies (and part of the development plan) or aspirations/recommendations. Only policies related to development and the use of land can be planning policies. Only planning policies can be used to make planning decisions. All the other policies are not planning policies and therefore cannot be used to make planning decisions. They have no weight in the planning process. It is therefore misleading to state they 'would be weighed accordingly by planning officers and planning committees in assessing relevant planning applications' as this suggests they could be given some weight. This misleading wording must be removed before the Council can support this section of the Plan.
- The Kentish Town Neighbourhood Plan clearly states in introducing its annex that: 'They [the annex policies] will not be used in reaching development management decisions'. We suggest that this wording is used in this plan to provide clarity.
- Finally, it is also unhelpful for the Plan to state that the nature of the policies as not relating to the development or use of land is a matter at the discretion of LBTH. This statement in the Neighbourhood Plan stems from the examination of the earlier Quick Plan, at which the Council questions whether some of the proposed policies were related to the use and development of land. The Council's position on this was based on the national legal framework, and was supported by the Independent Examiner of the Quick Plan. The Forum have decided to follow this position in preparing the current Basic Plan, and having done so should ensure the Plan provides a simple distinction between which policies are planning policies and which are not. Wording which creates any confusion or introduces the possibility of a subjective interpretation reduces the applicability of the policy and increases the risk of challenge.

### **3.3 Positivity:**

- Development Plans should be 'positively prepared' – this means they should be in accordance with NPPF paragraphs 11-16 on 'the presumption in favour of sustainable development'.
- Currently some of the policies could be seen as negative and this could be resolved through rewording.

### **3.4 Applicability:**

- Guidance is clear that policy 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 or may be unclear in how they should be applied.
- Any lack of clarity increases the likelihood of the policies in the Neighbourhood Plan being misinterpreted; and the possibility of planning decisions that comply with the Neighbourhood Plan policies being successfully challenged and overturned.

- A lack of clarity over the weight that should be afforded to the annex policies could also mislead the public – these policies carry no planning weight, and are not applicable to planning decisions.

### **3.5 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 this must be addressed in order to ensure deliverability. Evidence will be required to demonstrate that it is not the case that viability will be reduced.

### **3.6 Scale:**

- Some policies are still ambiguous on the scale of development (all, major, strategic, etc.) and/or nature of the development (residential, commercial, use-class, etc.) the policy would be applied to.
- This creates ambiguity and may also suggest undeliverable burdens on small developments.

### **3.7 Infrastructure Baseline**

- The Plan introduces a new set of evidence, the Infrastructure Baseline Analysis (IBA), without explaining how this relates to and works with the existing evidence base of the Council’s Infrastructure Delivery Plan (IDP) and the GLA’s DIFS document. The methodology used in the IBA differs in many cases from the existing evidence, which is confusing for all involved. Specific concerns regarding the assumptions and methodologies used in the IBA include the development trajectory, population projections, and in setting out need by infrastructure type. In places the approach is over-simplistic, contradictory, uses unrecognised approaches, and is not compliant with wider planning policy.
- The IBA does not cover a range of infrastructure included in the IDP and DIFS which is vital to sustainable growth in the area. This includes public realm and connections, cycling and walking infrastructure, utilities (other than water), waste, flood defences, and energy. The IBA incorporates categories that are not public infrastructure (such as supermarkets and petrol stations), but potentially overlap with other Council evidence base documents regarding housing, retail and employment. Further topics, such as allotments and adventure playgrounds, are not considered in the IDP but could be included if there was a resilient way of assessing need/demand in the area.
- The primary issue is not necessarily that the IBA uses alternative approaches to assessing need, although as stated above, this will cause confusion and inconsistency. The main concern is rather that the draft plan proposes that the Council should adopt the approach of the IBA for all infrastructure planning in the neighbourhood area. This is not appropriate, given the fundamental concerns

that the Council has regarding the scope, accuracy and appropriateness of the IBA.

- The suggestion that the Council should ensure that the IBA is up to date also creates a large resource requirement on the Council, which would duplicate the work already undertaken to produce an annual borough-wide IDP and area-focused information through the DIFS process.
- It is unclear why the Plan has sought to create its own alternative infrastructure evidence base, rather than work with the Council's existing documents. The Council would welcome the opportunity to discuss the IBA with the Forum in order to understand if the approach taken by the Council in the IDP and DIFS can be adjusted to accommodate infrastructure suggestions and local requirements, where appropriate to do so.

### **3.8 EU requirements:**

- In line with the Council's Service Offer, we have undertaken an SEA screening on the draft plan, and we consider that a full SEA/HRA is not required. This assessment has been sent to the three statutory consultees (Natural England, Historic England, and the Environment Agency) for comment, and a final decision will be published once these comments have been received.
- We would also encourage the Forum to undertake an Equalities Impact Assessment.

**4. Specific Comments:**

	<b>Section/Policy (paragraph and page)</b>	<b>Comment</b>
1.	Glossary of terms CIL	CIL is not a tax, although it is often referred to as one colloquially. It should be referred to as a levy. A reference to the regulations would also be useful.
2.	Glossary Draft Local Plan	Should there be a reference here to what happens once the plan is adopted – e.g., at that point, read all references to the draft Local Plan to read simply ‘the Local Plan’?
3.	Glossary of terms Forum	A Neighbourhood Forum is established through a legislated procedure. Only a formally designated Forum can be considered a successor organisation to the existing Isle of Dogs Neighbourhood Forum. This definition is not in conformity with national legislation.
4.	Glossary of terms Independent Organisation	This definition is circular. We suggest using the GLA’s definition in their Resident Ballot Requirement funding condition (they use the term Independent Body).
5.	Glossary of terms Infrastructure Impact Assessment	See comments on policy D1.
6.	Glossary of terms Leaseholder	This is not the legally correct definition of Leaseholder. For example, a tenant may be constituted a ‘leaseholder’ without having a legally binding agreement. Accordingly it is not fit for purpose. Suggest redrafting with independent legal advice
7.	Glossary of terms Neighbourhood Pot	This definition should refer to the CIL Regulations and the LBTH Cabinet Report regarding the Local Infrastructure Framework from November 2016. This will provide clarity and certainty as to what the CIL Neighbourhood Portion is and the parameters regarding its use.
8.	Glossary of	It is understood that the Forum wish to very specifically define what they mean by public body in this Plan. However this varies



	terms Public Body	significantly from the normal usage of this term and could be considered misleading.
9.	Glossary of terms Tenant	This is not the legally correct definition of Tenant. For example, a tenant may be constituted a 'tenant' without having a contract. Accordingly it is not fit for purpose. Suggest redrafting with independent legal advice
10.	Section 2 – Vision and Objectives	<p>3<sup>rd</sup> paragraph – unclear why some protected characteristics are listed but not all.</p> <p>4<sup>th</sup> paragraph – Might be useful to point to the evidence for the statements about density and height.</p> <p>5<sup>th</sup> paragraph and Objective 2 – while LBTH acknowledge and understand the Forum's view that infrastructure should be provided in advance of development, this is not the national approach (as outlined in the CIL regulations). It is not always desirable, appropriate or feasible to deliver all forms of infrastructure in advance of development. It may be worth considering refining this point to include "as appropriate".</p> <p>Finally, while the objectives state that infrastructure is required to be planned and delivered in advance of development. Policy D1 part 3 requires infrastructure to be delivered as part of development. Clarity and consistency needed.</p>
11.	Section 3 – Summary	<p>This section includes a number of misleading statements, which should be corrected:</p> <p>It is not just planning committees who make decisions on planning applications – planning officers often make these decisions as well. It would be more helpful to state that the planning policies will be used to determine planning applications.</p> <p>To state that "LBTH does not consider, etc." is misleading and confusing. The Council made an assessment using the national legal framework. This assessment was supported by the Independent Examiner. The Forum have decided to follow this advice. It is therefore misleading to suggest that this was a unilateral decision made by the Council.</p> <p>The policies in the Plan are either planning policies (and part of the development plan) or aspirations/recommendations. Only policies related to development and the use of land can be planning policies and only planning policies can be used to make planning decisions. All the other policies are not planning policies and therefore cannot be used to make planning decisions. They have no weight in the planning process. It is therefore misleading to state they 'would be weighed accordingly by planning officers and planning committees in assessing relevant planning applications' as this suggests they could be given some weight, when they cannot.</p> <p>The Kentish Town Neighbourhood Plan, clearly states in introducing its annex: 'They [the annex policies] will not be used in reaching</p>

		<p>development management decisions’. We suggest that this wording is used in this plan to provide clarity.</p> <p>We note the Forum’s aspiration for all the CIL generated in the area to be spent in the area. CIL Guidance identifies that the decision on how and where to spend all CIL rests with the Council, with the 15% - 25% Neighbourhood Portion of CIL required to be spent in consultation with communities and subsequently to support specifically the relevant Neighbourhood Area. This should be outlined in this section to ensure clarity.</p> <p>Paragraph 3.2 could also clarify that the policies will be used for assessing planning applications ‘within the Isle of Dogs Neighbourhood Area’.</p>
12.	Section 4 – policies	<p>This suggests that only decisions made by planning committees should use these policies. A significant number of development management decisions are made by officers under delegated authority. It may be better to state: These policies will be used in reaching development management decisions.</p>
13.	Policy Chapter 1 – Density and Infrastructure Context	<p>The Council considers points 2 and 4 to be misleading. One of the primary objectives of the Council and GLA’s planning policies for this area is to ensure the provision of sufficient infrastructure to support the proposed growth.</p> <p>Indeed, this section makes no reference to the LBTH Infrastructure Delivery Plan, despite this being a key evidence base for Local Plan production and a live document which is used to plan for infrastructure at a borough wide level and address the issue outlined in point 4.</p> <p>Footnotes 2 and 4 on points 2 and 4 provide links to parts of the DIFS document, suggesting that these evidence the statements made. It is not clear how the Forum consider the information on the pages indicated evidence these statements.</p>
14.	Policy D1 Infrastructure Impact Assessment	<p>The Council understands and has sympathy with the Forum’s wish to secure sufficient infrastructure to support growth on the Isle of Dogs. This is also a key objective of the emerging Local Plan and OAPF.</p> <p>However the approach outlined in policy D1, still raises a number of significant concerns:</p> <p><b>1. It is not in keeping with the plan-led approach:</b></p> <p>The principle of a plan-led approach to development (Planning Policy Guidance on Plan Making paragraph 001) means that it is the role of a planning document to assess need and delivery of infrastructure. This is not a role for individual development management</p>

decisions.

In effect the plan-led system requires planners to assess the planned housing trajectory and to plan for the required infrastructure needed to support it. The robustness of the housing trajectory assumptions and the sufficiency of the planned provision of infrastructure are tested at plan examination.

Therefore if any development comes forward at a level anticipated in the housing trajectory, the developer can legitimately expect that the development plan has planned for sufficient infrastructure to support its future residents. Their only requirements are to pay CIL and enter into any section 106 agreements which relate to the specific requirements of the scheme (e.g., a pedestrian crossing from the site to access a station, etc.).

Policy D1 instead seeks to make the consideration of infrastructure part of the development management process. This approach therefore fails to have regard to national policies and guidance. It is also a more inefficient approach, particularly in a densely developed area of fragmented sites, where sites cannot meet their own infrastructure needs – but need to be managed and co-ordinated at a wider spatial scale to ensure the infrastructure is suitably distributed and delivered between different sites.

It is acknowledged that in certain areas, like the Isle of Dogs, where growth has come forward at higher densities than anticipated in the trajectory, further consideration of infrastructure may be required.

This is why the emerging OAPF considers 3 potential growth scenarios and the infrastructure required at each scenario. The emerging London Plan policy D6 also seeks to require developments which come forward with capacities in excess of those allocated in the relevant Development Plan, and therefore in excess of future planned infrastructure, to provide a site-specific infrastructure assessment. It should also be considered that as density increases, floorspace increases, and the amount of CIL subsequently paid to the Council to deliver infrastructure also increases.

The Quick Plan version of this policy included a threshold which related to the London Plan density matrix. In effect this ensured any additional infrastructure considerations were made on developments above assumed growth levels. The Council and Examiner supported this approach – it is unclear why this has been removed.

**2. It seeks to make onerous requirements on developers, which they are unable to influence:**

There are only a limited number of ways in which the planning system can secure infrastructure. This is through CIL (which is a set charge per m2 that the Council collects and spends), section 106 payments or delivery requirements (which are regulated by the CIL

regulations 122 tests) and through site allocations.

It is not clear how D1 relates to these mechanisms:

4.4.2.3 requires benefits to be offered to LBTH where the Infrastructure Impact Assessment indicates that there is insufficient infrastructure capacity to support proposed densities (including the impact of cumulative development).

4.4.4.5 states 'This may include, but is not limited to, contributions offered as part of a Section 106 Agreement, or secured in other ways and/or applied to any project concerned with addressing the Infrastructure demands that development places on the Area'.

With respect to section 106 agreements, these are governed by the CIL 122 tests which state:

(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.

Policy D1 and the Infrastructure Impact Analysis definition require developments to provide an analysis of not just the impact of their development but also 'the impact of developments already consented but not yet developed'. The policy also suggests that developments will only be supported if there is sufficient infrastructure to support not only the development but also 'cumulative development', i.e., all developments in the Neighbourhood Area. This policy requirement is therefore at odds with part b of these regulations, and could be considered an overly onerous requirement on the developer, which would raise soundness concerns in relation to PPG (plan-making) paragraph 173.

The emerging London Plan policy D6 recognises that development can only be required to consider 'what additional impact the proposed development will have on current and planned infrastructure, and how this can be appropriately mitigated'.

With respect to CIL payments, these are provided to the Council at set stages through the development and will be used on priorities identified in the Infrastructure Delivery Plan and/or identified with local communities through the Local Infrastructure Fund consultation process. Developers will be unable to know or determine which projects their CIL payments will be used for at the point of application. They cannot therefore provide all the information required by 4.4.4.5.

Given that the mitigation methods proposed by the policy are undeliverable under the current national policy framework, the policy can still be seen as a potential embargo on development, which was one of the problems the Examiner raised with the previous drafting of D1: 'The way the first part is framed it could be interpreted as an embargo until a range of factors, likely to be outside the

control of the developer, are resolved.'

**3. It establishes a different infrastructure baseline**

Concern about confusion (multiple infrastructure assessments), resource requirements on the Council and developers and the methodology and assumptions used. See comments in section 3.7 above.

**We also have the following comments in relation to the specific policy parts:**

4.4.2.1: Why does this apply to Strategic and Major developments? Why has the density threshold been removed? This is considered disproportionate, given that the Infrastructure needs for most developments have already been assessed and addressed by the new Local Plan. The threshold approach was supported by the Examiner. Emerging London Plan policy D6 includes a threshold related to scale of the development relative to anticipated growth.

4.4.2.2/3: It is unclear what is meant by 'sufficient infrastructure' and conversely 'insufficient infrastructure', i.e., at what point would the infrastructure be required and if this is a long time in the future, what degree of certainty would be required to enable this condition to be met. This is important as there will never be enough of every form of infrastructure to support a proposed development at the point of planning application. It would be inappropriate to deliver infrastructure to support a development before it even had planning permission. Many strategic sites also have build-out periods of 10+ years. To deliver infrastructure pre-planning application could lead to unused infrastructure, such as empty schools, for many years.

4.4.2.4: It is noted that this policy wording is similar to the emerging London Plan policy D6. It is important to note that requirements for phasing of development would have to be supported by sufficient evidence to demonstrate that the impact (without such mitigation) would be entirely unsustainable. The phasing would also have to be linked to an upgrade/delivery where there is sufficient certainty it would come forward in the proposed timeframe. In addition, as this approach increases the risk to the development, it can reduce viability and could impact on the delivery of affordable housing and other section 106 requirements.

4.4.2.5: Negative impacts and adequate mitigation are not defined. It is considered that the provision of site allocated infrastructure, CIL and relevant S106 to cover any site specific impacts would be regarded as sufficient mitigation. For the development to be refused the negative impacts would have to be demonstrably severe. It would not be sufficient to say that the best practice targets of x people per xm<sup>2</sup> of infrastructure would be impacted. In addition, as outlined above the impacts would have to be as a specific result of that development.

		<p><b>Possible solutions:</b></p> <p>As per our comments regarding the last plan, the Council would recommend the use of a plan led approach to secure relevant infrastructure. The use of site allocations, such as through the Local Plan, provides a clear approach to securing infrastructure and limits uncertainty at the planning application stage. It would also reduce the onerous nature of Infrastructure Impact Assessments at the planning application stage.</p> <p>The Forum could also consider adopting an approach which is closer to the emerging London Plan, and which only makes requirements on developments which exceed anticipated growth levels and limits the assessment of impacts to the development itself. Any mitigation would also have to reflect the existing mechanisms for securing infrastructure contributions.</p> <p>It is important to consider that even if mitigation were to be limited to a level directly related to and proportionate to the development, adding late-in-the-day requirements for infrastructure on schemes could have viability impacts and undermine delivery of acceptable levels of affordable housing. Taken to an extreme, it could undermine scheme viability and hence the deliverability of housing. It may be necessary for the Forum to demonstrate that any envisaged mitigation could be viably delivered and thereby meet the requirements of PPG (plan-making) paragraph 173.</p> <p>The Council would welcome the opportunity to discuss the IBA with the Forum in order to understand if the approach taken by the Council in the IDP and DIFS can be adjusted to accommodate infrastructure suggestions and local requirements, where appropriate to do so. It would be preferable to enhance the existing evidence approaches than to establish a new approach with different methodologies and assumptions.</p>
15.	How Policy D1 Works	<p>4.4.4.1/4.4.4.2: See comments above regarding the Infrastructure Baseline Analysis and the Council’s role in updating it.</p> <p>4.4.4.3/4.4.4.4.5/4.4.4.4.6: This definition differs from the definition in the glossary. In light of the comments above, the required Infrastructure Impact Assessment should reflect the emerging London Plan requirement (e.g., only apply to developments above assumed growth levels) and should only consider the impact of that development and reflect the existing mechanisms for securing infrastructure. Reference should therefore be made to Regulations 122 and 123 of the CIL Regulations to ensure clarity that any approach to securing contributions will be in line with these regulations. Clarification should also be provided on timing considerations for any infrastructure analysis, e.g., infrastructure available at the time of application or decision making or completion.</p> <p>4.4.4.4: This is an amalgamation of strategic policies in the emerging Local Plan, which is here being used as an explanation for a development management policy. This results in confusion and doesn’t provide explanatory guidance on how to deliver or interpret the</p>

		<p>policy.</p> <p>Points 4.4.4.4.1, 4.4.4.4.2 and 4.4.4.4.3 are repetitive. The criteria are also broad and don't just relate to infrastructure provision, e.g., the natural environment.</p> <p>Point 4.4.4.4.1 describes 'unacceptable impacts' – this sets a different (easier) requirement from 'negative impacts' in part 4.4.2.5 of the policy.</p> <p>4.4.4.4.2 and 4.4.4.4.3 seems to require a positive improvement on the existing situation – whereas the policy itself only seems to require no negative impacts (4.4.2.5).</p> <p>Point 4.4.4.4.3 suggests public realm improvements must be 'acceptable to all' this is a requirement which would be impossible to determine or apply.</p>
16.	Policy D2 – High Density Developments	<p>This policy seeks to give the Housing SPG a status of development plan policy rather than that of supporting document, effectively superseding London Plan policy 3.4. The Forum should be satisfied they have sufficient evidence to justify this.</p> <p>Secondly, the proposed policy is asking for demonstration of how proposals above the upper density range are exceptional but since the 2016 version of the SPG this is not actually the test that the SPG sets out. Rather than 'exceptional', the circumstances only need to be 'appropriate', and design needs to be 'high quality'. All the tests are set out in para 1.3.51 of the SPG although there is some useful context earlier, in particular in the second half of 1.3.50. Again, the Forum should be satisfied they have sufficient evidence to justify the higher test of 'exceptional'.</p> <p>In addition to these broader concerns about the appropriateness of the policy, we also have concerns about the drafting of the policy.</p> <p>The policy as drafted still fails to adequately translate what is currently drafted as guidance on applying a policy, into the language of an actual policy.</p> <p>The policy requires schemes to specify how they conform to the GLA's housing SPG with an explanation of how they are exceptional, and not only that they are of exceptional design. It is not clear which parts of the Housing SPG this refers to.</p> <p>Reasons for Policy D2 (4.4.6.5) outlines a series of considerations. It is unclear how applications could demonstrate they are exceptional in relation to these considerations, or even if this is the intention of the policy and supporting text. If it is not the intention, then it is</p>

		<p>still unclear how schemes demonstrate they are exceptional.</p> <p>This is important as currently this concept of 'exceptional' is very subjective. When it comes to an inquiry/challenge, compliance with 'exceptional' is arguable for either party. If the Plan seeks to give greater weight to this term, it needs to provide further guidance or criteria by which it can be judged in order to aid applicability of the policy and meet the requirements of guidance 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).</p>
17.	Reasons for Policy D2	<p>Points 4.4.6.1 and 4.4.6.2 have not been evidenced. This section, and the Plan as a whole, fails to recognise the national approach to providing infrastructure.</p> <p>Why are parts of the text in bold?</p>
18.	How Policy D2 works	<p>4.4.7.1 needs to specify the part of the SPG.</p> <p>4.4.7.2: The planning committee is not the only decision maker. This point does not need to be repeated as it is in the policy.</p> <p>4.4.7.3: This is not evidenced and nor is it the reason why schemes are permitted. The plan-led approach means that the Local Plan and Infrastructure Delivery Plan are required to ensure sufficient infrastructure is planned for, to meet anticipated levels of growth.</p>
19.	Policy ES1 – Use of Empty Sites	<p>The Council is supportive of this policy objective.</p> <p>We note that the Examiner raised a number of concerns regarding ES1 in his report on the last Neighbourhood Plan, it is not clear these have been addressed – in particular the evidence base to support the list of uses and the potentially onerous nature of the requirement.</p> <p>Officers have had further internal discussions about how best to deliver this policy objective and propose that instead of requiring developers to submit two planning applications (which is onerous on developers and officers and raises issues around the implications if one of the applications was rejected and one supported.), the policy could require developers to make reasonable endeavours to make the site available for a temporary use (as part of an obligation in the s106 agreement).</p> <p>The supporting text could provide clarity that these reasonable endeavours would include providing the site at a reasonable charge, for a reasonable timeframe and the developer had engaged with relevant charities and organisations who promote meanwhile use and had undertaken sufficient site marketing.</p> <p>It would then be the responsibility of any organisation taking over use of the site to seek any required planning permissions for the</p>



		<p>temporary use.</p> <p>The inducement of a longer time period before the planning application expires could still apply as long as they had met the 'reasonable endeavours' requirement.</p> <p>The policy could also promote the use of sites for meanwhile uses and require a feasibility study and impact assessment – providing a positive policy for when any meanwhile schemes seek permission.</p> <p>A few terms in the policy also require clarification: Terms in 4.5.2.3.2 need to be clarified and defined, e.g., does run out mean expire? What does 'active use' mean? 'Construction of substantial planning application' needs to be defined. As currently drafted it is too vague and could lead to misinterpretation and dispute.</p> <p>Finally, it must be highlighted that this policy cannot prevent developers from meeting the commencement requirements, not triggering this policy requirement, and then still not completing build out.</p>
20.	Reasons for Policy ES1	There are a number of emerging London Plan policies which also support meanwhile uses (D7, H4, HC5 and G8), and which could be referred to.
21.	ES1 – how policy ES1 Works	<p>4.5.4.1: What does 'significant delay in construction' mean? The policy states 6 months. The term 'significant delay' is open to interpretation, should be consistent.</p> <p>4.5.4.2: This wording is not an accurate reflection of how a section 106 agreement is drafted and seems to confuse a planning obligation and a condition. This should be redrafted.</p> <p>This section should provide further details on what the impact assessment should cover for any meanwhile use, e.g., amenity impacts, highways impacts, etc.</p>
22.	Policy CC1 – Construction Coordination	The Council is supportive of this policy; however we do have a number of comments on how they Forum envisage delivering the policy requirements.
23.	How Policy CC1 works	4.6.4.1: It is not considered suitable for consultation with councillors to replace consultation with the community. Notwithstanding this comment, it is not appropriate for councillors to delegate to Forum members – each role is separate and has its own mandate, power

		<p>and responsibilities.</p> <p>The Council cannot determine the suitability of the changed CMP without running the consultation itself. It is suggested this could be added to the Statement of Community Involvement (in any future review) and undertaken using neighbour consultation techniques, in line with the SCI requirement that for variations on conditions, we would judge the level of consultation needed based on the original level of consultation required for the type of application.</p>
24.	How Policy CC2 works	<p>It is not considered suitable for consultation with councillors to replace consultation with the community. Notwithstanding this comment, it is not appropriate for councillors to delegate to Forum members – each role is separate and has its own mandate, power and responsibilities.</p> <p>In order for this to be monitored or enforced, the developer would have to provide details of this consultation activity to the Council to discharge the condition.</p> <p>We can't condition a requirement which sits outside the planning system (such as those that sit with environmental health, e.g., the timings of some works).</p>
25.	Policy CC3 – Control of dust and emissions during construction and demolition	<p>4.6.8.1 is already a policy in the emerging Local Plan for major developments. It is not clear whether this policy seeks to apply to a different scale of development and if so, what the justification would be. If the same scale is envisaged, it is not necessary to repeat this, as the policy is likely to be adopted before the Neighbourhood Plan.</p> <p>4.6.8.2 was suggested for deletion by the Examiner on the previous plan. Irrespective of this – the Council already requires monitoring when considered necessary (using the matrix in the SPG) via the discharge of a condition and in those cases the monitoring would be publically available via the planning portal. It is unclear what else is required through this policy.</p> <p>In addition, the SPG does not control noise (as suggested by 4.6.10.2). Further guidance would be needed on where the data should be made available.</p>
26.	Policy SD1 – Sustainable design	<p>4.7.2.1 is already a policy in the emerging Local Plan. It is not necessary to repeat this, as the policy is likely to be adopted before the Neighbourhood Plan.</p> <p>4.7.2.2: 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</p>

		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. Note that the emerging Local Plan ‘strongly encourages’ compliance with the Home Quality Mark, but does not make it mandatory.
27.	How Policy SD1 Works	<p>It is unclear what the difference is in the requirements between 4.7.4.1 and 4.7.4.2?</p> <p>4.7.4.3 is not included in other policies, unclear why this has to be specified here. It also appears to contradict 4.7.4.1, which allows for developers to explain why they have not met the Home Quality Mark.</p> <p>This section makes no reference to BREEAM, although it is referenced in the policy.</p> <p>This type of requirement would usually be conditioned; it is unlikely that the s106 agreement is the appropriate mechanism for this type of ongoing monitoring.</p>
28.	Policy AG1 – Air Quality	<p>We are aware this is an adopted Knightsbridge Air Quality policy, however we still consider it to be an ineffective policy which conflates air quality and climate change, e.g., strictly speaking CO2 is a greenhouse gas. It does not affect air quality and there are no air quality standards for it.</p> <p>WHO standards are not recognised in UK law – this should refer to EU/National guideline limits. Regarding the EU/UK limits point – this currently says to follow the EU or UK guidelines, ‘whichever is more stringent’. When/if we leave the EU, it is unclear that Plan can still mandate that we follow the EU limits anyway, even if UK limits diverge from them. Consideration of this point may be required.</p> <p>2.8.2.4 refers to ‘medium development’ – this is defined in the Knightsbridge plan, but this term is not used or defined anywhere else in the IoD plan.</p>
29.	Reasons for policies AQ1	<p>4.8.3.1 contradicts the requirements for Neighbourhood Plan to be locally specific. The air quality in Knightsbridge is significantly worse than in the Isle of Dogs Neighbourhood Area. Area specific evidence is required.</p> <p>Points 4.8.3.2 and 4.8.3.4 are not reasons.</p>
30.	How policy AQ1	Parts 4.8.4.1 and 4.8.4.2 seem to conflict with AQ1 4.8.2.5 where which states a preference for high level air intakes away from

	works	<p>pollution.</p> <p>4.8.4.1 references a Knightsbridge policy number.</p> <p>4.8.4.5 is incomprehensible – in particular, it is unclear what ‘sustainability scoring’ refers to in this context. Please clarify.</p>
31.	Policy 3D1 – 3D Model for Applications	<p>Recommend replacing ‘any development which has to be dealt with by a development committee of LBTH (excluding call-ins)’ with either Strategic Development or Referable Development. This ensures a consistency with the Local Plan and doesn’t introduce a new threshold.</p> <p>The policy mixes issues related with floor plans, fire prevention/emergency and 3D model. Floor plans, etc., are already a standard part of the submission.</p> <p>4.9.2.3 requires the model to be updated when any revisions are made to the application – this should probably be ‘any relevant revisions’.</p> <p>Notwithstanding the above specifics, this policy is already in operation in LBTH. The requirement has been added to the local list. It is unclear why the policy is required.</p>
32.	Section 5 – Annex	See comment 11
33.	Annex Policy Chapter 1 – Estate Regeneration Context for this Policy Chapter	<p>5.3.1.9: If the Forum is seeking to use this scheme to justify the deliverability of these policies they will need to provide further, publically accessible, evidence. This approach risks repeating the problems of the DIFS availability from the examination of the previous plan.</p> <p>5.3.1.11: The emerging London Plan and Local Plan include detailed policies on estate regeneration including requirements for like-for-like reprovion. The use of the capitalised Area (e.g., referring specifically to the IoD Neighbourhood Area) is confusing in the context of a critique of policies on a bigger spatial scale.</p> <p>5.3.1.14: The relevance of, and evidence for, this point is unclear.</p> <p>5.3.1.20: This statement appears to be based on verbal statements made to a Lambeth Cabinet meeting by a resident. Other residents recorded in the minutes dispute these statements. This is not considered suitable evidence.</p>

		<p>5.3.1.23: This needs to specify that this is explicitly a funding condition, not a planning requirement. It also only applies to certain schemes (where demolition is required, etc.) not ‘any’ regeneration scheme.</p>
34.	Annex Policy ER1	<p>While the Council understands that the Isle of Dogs Neighbourhood Forum wishes to establish their own guidance for Estate Regeneration, this seeks to take a different approach on a number of issues from the GLA’s Best Practice Guide to Estate Regeneration. This has significant delivery implications, as any Estate Regeneration scheme which requires GLA funding will have to follow the GLA’s requirements and will therefore be unable to follow the Isle of Dogs policy. As the GLA requirement is a funding requirement (not a planning policy) there is no provision for the Neighbourhood Plan to stipulate a different policy in this area.</p> <p>The Council has the following concerns about the practicality and fairness of a number of these proposals:</p> <p>5.3.2.1.3 is considered best practice but may not be practical in all circumstances due to time constraints or value for money considerations (e.g., where an existing contract is in place).</p> <p>5.3.2.1.5 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). 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. The Council’s approach is to limit the electorate to the groups outlined in the GLA’s Best Practice Guide to Estate Regeneration.</p> <p>5.3.2.1.6 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 GLA’s Best Practice Guide to Estate Regeneration.</p>
35.	How Annex Policy ER1 Works	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>
36.	Annex Policy ER 2	<p>In general, the conditions for ballots appear to be complex and prescriptive, making them difficult to implement. The Council endorses and will be following the guidance outlined in the GLA’s Best Practice Guide to Estate Regeneration.</p> <p>5.3.1.1 and 5.3.1.2 suggest multiple options may be possible. The GLA’s Best Practice Guide to Estate Regeneration expects a yes/no vote on a single option.</p>

		<p>5.3.1.3 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. The Council’s approach is to limit the electorate to the groups outlined in the GLA’s Best Practice Guide to Estate Regeneration.</p> <p>5.3.1.3 indicates that votes will be conducted and counted by the Independent Organisation – see concerns on definition in glossary.</p> <p>5.3.1.4: Who in LBTH is responsible for ensuring accuracy and completeness. Will this still be LBTH when the estate is a THH managed estate?</p> <p>5.3.1.5 suggests a key role for LBTH Democratic Services in verifying ‘facts’ despite estate regeneration not being their area of expertise. The GLA’s Best Practice Guide to Estate Regeneration and funding condition makes no provision for recognised residents’ associations to provide information. It is LBTH’s view that it is best practice for the landlord to pay for residents to appoint an Independent Residents Advisor (if residents want such a provision) to scrutinise this information, rather than place this requirement on residents.</p> <p>5.3.1.6 suggests all results should be broken down by block and street, etc., but part 5.3.1.7 says a simple majority will suffice. This is likely to cause further division if some areas are seen to be deciding for other areas. There may also be data protection issues if it may be possible to link votes to households.</p> <p>5.3.1.7 suggests the vote is binding. It is unclear how this will be enforced. In addition, the GLA’s funding condition stipulates that further future votes can be held on the same or different schemes.</p>
37.	How Annex Policy ER2 Works	This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.
38.	Annex Policy ER 3	<p>This is considered best practice and broadly in line with the GLA’s Best Practice Guide to Estate Regeneration.</p> <p>However, part 5.3.8.1.1 should reflect that a landlord will carry out a stock condition survey and make this available to residents. If residents require further scrutiny they can request an independent review or survey.</p> <p>Part 5.3.8.1.2 suggests that proposals for regeneration made by residents should be appraised as part of the Options Appraisal, even if</p>

		<p>the landlord thinks them unviable. We support the position of the GLA guidance that votes should be a yes/no option on a single proposal, rather than multiple options (see comment 36); there would also be little point in appraising and potentially voting on an option that the landlord considers unviable or is otherwise fundamentally opposed to, as the landlord would be responsible for submitting the application for planning permission – and will be unlikely to submit an application they consider unviable, even if supported by residents.</p>
39.	How Annex Policy ER3 Works	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>
40.	Annex Policy ER 4	<p>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 and rights to ‘return’.</p> <p>Part 5.3.11.1.1 indicates that residents must be enabled to stay in the area – this is dependent on availability of housing stock and cannot be guaranteed.</p> <p>Part 5.3.11.1.3 continues to reference the planning system, this is not a planning policy and there is no planning mechanism to deliver this. In addition the planning stage is too early for residents to be able to know which future unit they may occupy.</p> <p>Parts 5.3.11.1.2 to 5.3.11.1.8 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, as well as planning considerations regarding the re-provision of car parking spaces.</p> <p>In addition, 5.3.11.1.6 cannot be guaranteed – in particular in relation to service charges or utilities, such as the requirement for water meters on new properties.</p> <p>Part 5.3.11.1.2.9: The costs of moving home are already covered by legislation.</p>
41.	How Annex Policy ER4	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>

	Works	
42.	Annex Policy ER 5	<p>Part 5.3.14.1.2 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. A qualifier like ‘as far as possible’ could be added to address this.</p> <p>The principle of retained rent levels (5.3.14.1.4) is included in the new draft Local Plan and draft London Plan.</p>
43.	How Annex Policy ER5 Works	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>
44.	Annex Policy ER 6	<p>5.3.17.1.1 and 5.3.17.5: Providing non-resident leaseholder /freeholders (e.g., absentee investor private landlords) with the same right to a replacement new home as resident freeholders/leaseholders 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.</p> <p>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.</p> <p>The Council would consider on a case by case basis (considering the viability of any scheme) whether such an offer would be feasible. It is noted that the National Strategy includes a number of different financial models all of which enable resident leaseholders/free holders to return to a home in the new development. The Council considers that the complexities of Estate Regeneration Schemes require all these options to be considered on a site by site basis. This decision would not affect such owners’ statutory rights as property owners or as consultees on any proposals brought forward.</p> <p>5.3.7.2 (and sub-clauses) appear to duplicate the above provisions and the same concerns apply.</p> <p>5.3.17.3: The Council would consider this one of the possible models to enable resident leaseholders/free holders to return to a home in the new development.</p> <p>5.3.17.1.3 requires that this information be provided in advance of any vote. It may not always be possible for this to be known at that point in time. See comment 42.</p>



		<p>5.3.17.2.1: 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.</p> <p>5.3.14.1.6: It is unclear why ER2 is mentioned in this policy but not in relation to any other policy, e.g., ER5.</p> <p>5.3.17.1.7: This would only ever be conditional on availability of units.</p>
45.	How Annex Policy ER6 Works	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>
46.	Annex Policy ER7	<p>We have had difficulty finding a full copy of the entire George Clark report – this does not appear to be a well-known document. The only version available seems to be the summary from an archived news story from the gov.uk website linked to in a footnote. It’s also almost 6 years old, and does not appear to have had much impact in the intervening years. That doesn’t necessarily mean it’s not relevant, but it should be considered whether something more relevant has since been published.</p> <p>In terms of specific concerns on the detail of what is proposed:</p> <p>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.</p> <p>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.</p> <p>However it is important that a “one size fits all” approach is avoided, e.g., 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.</p>

		<p>5.3.20.1.5: In terms of decanting estates, it is sometimes necessary to begin this process early, in order to expedite the process as a whole – particularly in a ‘rolling decant’ scenario. In addition, leaseholders may in some cases ask to be bought out early, if they believe the prospect of redevelopment is blighting their property.</p> <p>5.3.20.1.8: See comment 40 on the right to return.</p> <p>5.3.20.1.10: The Council already encourages the short term use of properties for temporary lets to homeless families or property Guardians in situations where a long-term decant is unavoidable.</p>
47.	Reasons for Annex Policy ER7	<p>This is misleading. No evidence has been provided that this is endorsed by the government or that the government suggests this should be considered within planning. The recommendations came under a previous government, and have not been incorporated into the planning process at a national level. The gov.uk article linked to in the plan makes no mention that it was ever the government’s intention to incorporate these into the planning process.</p> <p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>
48.	How Annex Policy ER7 Works	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>
49.	Annex Policy ER8	<p>Requiring below market rents may be in conflict with the best value considerations contained in the sec 123 of the Local Government Act. Charities (such as RPs) will also be governed by their own Charitable Purposes and Charity Law. The Council is still able to use its discretion to consider if a below best consideration disposal would achieve social, economic or environmental wellbeing – but this would be in exceptional circumstances and require strong justification. It would be contrary to the Council’s legal obligations to have a policy which required sub-market rents in all cases.</p> <p>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).</p>
50.	How Annex Policy ER8	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>

	Works	
51.	Annex Policy ER9	<p>The definition of a public body is concerning (see glossary comments above). In that 5.3.27.1 and 5.3.27.2 suggest LBTH and Canal and River Trust are 'public bodies' (as defined), the use of the term 'profit' in this policy is misleading as neither body is 'profit' making. What is considered to be 'profit' under this policy?</p> <p>5.3.27.1 suggests that this relates to capital sums. The Council has a Capital Strategy which outlines how any capital receipts will be spent. This is prioritised across the borough to enable to the Council to address greatest need.</p> <p>The Council is governed by its own legal obligations in relation to stock transfer agreements.</p> <p>5.3.26.2: Notwithstanding that this is not a planning policy and cannot be delivered via a planning mechanism, the Forum cannot be a consultee or party to a section 106 agreement.</p>
52.	How Annex Policy ER9 Works	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. This section should be removed or redrafted.</p>
53.	How Annex Policy GR1 works – Helping to establish new residents' associations	<p>This is not a planning policy; therefore it has no weight in determining planning applications. There is no planning mechanism to deliver or enforce this policy. It is not appropriate to use a planning obligation as the instrument to regulate landlord/tenant issues. A s106 agreement is not the appropriate mechanism. This section should be removed or redrafted.</p> <p>Notwithstanding this, no model constitution has been provided.</p>
54.	Section 6 – Community Infrastructure Levy	<p>The assessment regarding whether the policies are related to the use and development of land were made by the Independent Examiner. It is not considered helpful for the Plan to seek to suggest this is a subjective view.</p> <p>6.1.4 should usefully refer to the LBTH Cabinet Report of November 2016 that sets out the Council's approach to CIL Neighbourhood Portion, known locally as the Local Infrastructure Fund. This approach identifies that 25% has already been allocated for consultation and spend locally.</p> <p>6.1.7 is misleading and an incorrect interpretation of the DIFS. The DIFS categorises infrastructure into four different types (Critical Enabling, Essential Mitigation, etc.) These categorisations are not a priority list, i.e., it does not suggest that all Critical Enabling projects should be delivered before Essential Mitigation. To effectively ensure good place making in an area it is fundamental that a spread of projects are delivered across all four categories.</p>

		<p>The CIL Neighbourhood Portion affords flexibility to fund a wider set of matters than just infrastructure delivery, meaning that it can mitigate general impacts of development on an area and help it develop for the future. It may be a missed opportunity for the Neighbourhood CIL to be spent on the infrastructure projects identified in the DIFS as these are already the priorities for other pots of funding. The OAPF, in the delivery section includes a range of recommendations to support delivery of infrastructure in the area. Without these matters, the delivery of the infrastructure listed in the DIFS may be fettered. It may therefore be useful for the plan to recommend the use of CIL to support those elements alongside the infrastructure in the DIFS.</p> <p>It is also worth noting that the DIFS is a one-off document that provides a snapshot of the infrastructure need in the Isle of Dogs at the time that it was produced. This need may change, and documents that are more regularly produced, such as the Council's Infrastructure Delivery Plan, may in some circumstances be a more useful source for considering potential CIL spending.</p>
55.	Section 8 – Parish/Town Council for the Isle of Dogs	<p>8.2 says Parish Councils have not existed in London since 1963 (implying this situation is ongoing). The next sentence says they've been re-established since then and at least one has now been set up in London.</p> <p>8.4 is stated as fact, but is an opinion.</p> <p>8.8 and 8.9: It is unclear who would run such a consultation. If conducted as part of any future Community Governance Review, this would be undertaken in compliance with the rules governing such a process and cannot be stipulated in advance.</p>

## Steven Heywood

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**From:** Michael Byrne [REDACTED]  
**Sent:** 09 January 2020 17:38  
**To:** Neighbourhood Planning  
**Subject:** RE: Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi,

I would like to fully support this neighbourhood plan and ask that this be noted as a letter of support.

Best regards,

Michael.

---

**From:** Steven Heywood [<mailto:Steven.Heywood@towerhamlets.gov.uk>] **On Behalf Of** Neighbourhood Planning  
**Sent:** 09 January 2020 09:57  
**To:** Neighbourhood Planning <[NeighbourhoodPlanning@towerhamlets.gov.uk](mailto:NeighbourhoodPlanning@towerhamlets.gov.uk)>  
**Subject:** Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

Dear consultee,

This email is being sent to you with regard to a Neighbourhood Planning consultation being undertaken within the London Borough of Tower Hamlets.

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 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.

Copies of the submitted materials may be inspected free of charge from 9 January to 19 February 2020 at the following locations:

- The Council's website ([https://www.towerhamlets.gov.uk/ignl/planning\\_and\\_building\\_control/planning\\_policy\\_guidance/neighbourhood\\_planning/Isle\\_of\\_Dogs.aspx](https://www.towerhamlets.gov.uk/ignl/planning_and_building_control/planning_policy_guidance/neighbourhood_planning/Isle_of_Dogs.aspx))
- Tower Hamlets Town Hall, Mulberry Place, E14 2BG
- Idea Store Canary Wharf, Churchill Place, E14 5RB
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The Council is now consulting on whether the Isle of Dogs Neighbourhood Plan fulfils the Basic Conditions as required by Paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). Any person or organisation may comment on the Neighbourhood Plan or supporting documents.

The consultation will be carried out for 6 weeks, between **9 January and 19 February 2020**. Written representations must be received by 5pm on Wednesday 19 February 2020.

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.

Responses should be sent to [neighbourhoodplanning@towerhamlets.gov.uk](mailto:neighbourhoodplanning@towerhamlets.gov.uk), or by post to:

Plan-Making Team, Strategic Planning  
Tower Hamlets Council  
Town Hall  
Mulberry Place  
Clove Crescent  
London E14 2BG

Best wishes,  
Plan-Making Team  
London Borough of Tower Hamlets

Our Ref: MV/ 15B901605

T: +44 (0)191 261 2361  
F: +44 (0)191 269 0076

16 January 2020

[avisonyoung.co.uk](http://avisonyoung.co.uk)

**Via email only**  
Planning Policy  
Tower Hamlets

Dear Sir / Madam

**Regulation 16 consultation on the Isle of Dogs Neighbourhood  
Development Plan  
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

**Proposed development sites crossed or in close proximity to National Grid assets:**

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

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

National Grid provides information in relation to its assets at the website below.

- [www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/](http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/)

Please also see attached information outlining guidance on development close to National Grid infrastructure.

### **Distribution Networks**

Information regarding the electricity distribution network is available at the website below:  
[www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Information regarding the gas distribution network is available by contacting:  
[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

### **Further Advice**

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

**Matt Verlander, Director**

[nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)

Avison Young  
Central Square South  
Orchard Street  
Newcastle upon Tyne  
NE1 3AZ

**Spencer Jefferies, Town Planner**

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

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

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,



**Matt Verlander MRTPI  
Director**

  
For and on behalf of Avison Young



## Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's 'Guidelines when working near National Grid Gas assets' can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

- National Grid's Plant Protection team: [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com)

Cadent Plant Protection Team  
Block 1  
Brick Kiln Street  
Hinckley  
LE10 0NA  
0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

Date: 14 February 2020  
Our ref: 305235  
Your ref: Isle of Dogs Neighbourhood Plan – REG 16



Mr S Heywood  
Plan-Making Team, Strategic Planning  
Tower Hamlets Council  
Town Hall  
Mulberry Place  
Clove Crescent  
London E14 2BG

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

[neighbourhoodplanning@towerhamlets.gov.uk](mailto:neighbourhoodplanning@towerhamlets.gov.uk)  
[Steven.Heywood@towerhamlets.gov.uk](mailto:Steven.Heywood@towerhamlets.gov.uk)

Dear Mr Heywood

**Isle of Dogs Neighbourhood Plan Regulation 16 Consultation**

Thank you for your consultation request on the above dated 9<sup>th</sup> January 2020.

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 is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**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](mailto:consultations@naturalengland.org.uk)

Yours sincerely

Sharon Jenkins  
Operations Delivery  
Consultations Team  
Natural England

**Our ref:** Q200072  
**Your ref:** N/A  
**Email:** [REDACTED]  
**Date:** 19 February 2020



Neighbourhood Planning Consultation  
Strategic Planning Team, Place Division  
London Borough of Tower Hamlets  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

For the attention of Strategic Planning Team

By email

Dear Madam / Sir

## **Second Isle of Dogs Neighbourhood Plan (January 2020) Regulation 16 consultation – representations on behalf of One Housing Group**

### **1 Introduction**

These representations are submitted on behalf of One Housing Group (“One Housing”), in response to the Isle of Dogs Neighbourhood Plan 2019-2031 (January 2020) (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.

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 focus on:

- Community aspirations in the Annex of the Neighbourhood Plan;
- Draft Policy D2 – high density developments;
- Draft Policy ES1 – use of empty sites;
- Draft Policy CC3 – Control of Dust and Emissions During Construction and Demolition; and
- Draft Policy RB1 – Resident Ballot Requirement.

## 2 Community aspirations – Annex

Prior to recommending the first Neighbourhood Plan does not proceed to referendum due to a “fundamental flaw”, the Examiner stated in his report:

*“...whatever their merits in terms of good practice for estate regeneration, they are not policies concerned with the use and development of land; nor do they meet the Basic Conditions or the legal requirements, I see no place for them in the body of the plan. But they could form an extended Annex.”*  
(Para 7.2)

One Housing submitted representations to the first Neighbourhood Plan to this effect and agrees that they did not meet the Basic Conditions or the legal requirements.

The former draft policies are now contained within a section entitled “annex”. To comply with the Examiner’s recommendations and in the interest of clarity, we feel all aspirations should be moved to an annex/appendix rather than retaining the text in the main body of the plan and renaming the section.

As written the aspirations present as material considerations to guide future development. For example, supporting text to Annex Aspiration E1 states:

*“Where a planning application is submitted for an Estate regeneration that materially changes an Estate and there has been no vote or that vote chose a different option then the application submitted should be rejected.”* (Para 5.3.4.1)

Using Annex Aspiration ER1 as the given example, the above quoted text should be deleted as an application could not lawfully be deemed invalid if it failed to conform to Annex Aspiration ER1.

The “fundamental flaw” that the examiner referred to above was the attempt to turn laudable community aspirations into planning policy without a clear understanding of the limits of what planning policy can achieve. Planning policy must relate to the development and use of land, as we set out in our representations and upheld by the Examiner. In the same way, planning guidance must also relate to the development and use of land. By contrast, supporting the principle of something happening in a neighbourhood plan does not need to relate to the development and use of land, as long as it is clearly separate from the part of the document that contains the policies.

The Examiner suggested the former draft policies be moved to an Annex on the basis that they become advocacy. However, since the text of the annex remains essentially the same as in the previous draft, it presents as a step beyond advocacy into guidance. This is not in accordance with the Basic Conditions (Section 8(1)(a) of Schedule 4B of the Town and Country Planning Act) or legal requirements and should either be amended to reflect the statement’s aspirational status or deleted.

To assist in this regard, we have suggested alternative wording for “Annex Aspiration ER1” in the annex to these representations. This is an example of the types of change that One Housing consider to be necessary to make the Neighbourhood Plan annex acceptable. They do not represent our suggestions for the entire annex.

### 3 Draft Policy D2 – High Density Developments

This policy provides that certain applications for development over a target density, which do not adequately demonstrate accordance with the GLA’s Housing SPG, should be refused. This is not in accordance with Basic Condition 3, which requires Neighbourhood Plans to be in general conformity with the strategic policies of the Development Plan, for the following reasons:

- The London Plan (Intend to Publish, 2019) no longer contains density ranges and instead follows a more design-led approach, whereby density is informed by infrastructure levels, connectivity and accessibility (Policy D2).
- The Mayor recognises that single measures of density (such as that set out in draft Policy D2) can be misleading, as they are heavily dependent on the area included in the planning application (London Plan, Para 3.3.21).
- Policy D6 of the London Plan sets policy relating to housing quality and standards, largely superseding the Housing SPG. It will in future be accompanied by a single guidance document that will build on (*inter alia*) the GLA’s Housing SPG (London Plan, Para 3.6.10).

The Housing SPG is also supplementary planning guidance. This means that it builds upon and provides more detailed guidance about policy but, critically, as it has not been subject to independent examination it can only be a material consideration in a planning application. An SPG cannot be elevated from a material consideration to development plan status, as would be the result of the policy as currently worded.

#### **4 Draft Policy ES1 – Use of Empty Sites**

This policy provides that applications for “strategic development” should submit a feasibility study and impact assessment for one or more potential meanwhile uses, which should then be implemented if the development is not begun within 6 months after gaining planning permission. The policy states that the implemented meanwhile use can then only be recalled on “reasonable notice”.

Planning permission often comes with numerous prior-to-commencement planning conditions that must be discharged prior to the lawful commencement of works. There are often therefore practical reasons why development cannot commence within 6-months of gaining a planning permission.

Policies relating to meanwhile uses are more plausible on very large, multi-phased sites where an area would otherwise be left vacant for years, rather than months. This policy therefore fails Basic Condition 3, as it could serve to constrain the delivery of new housing if the development is not quite ready to commence after 6 months and then the meanwhile use can only be recalled on “reasonable notice”. This is contrary to the strategic policies of both the Local Plan and the London Plan. These plans are clear that there is an urgent need for new housing and that the Isle of Dogs contains significant potential to help fulfil that need.

It would also fail Basic Condition 1, as it does not have appropriate regard for the National Planning Policy Framework (2019). Paragraph 56 of the NPPF states that planning obligations must only be sought where they are (*inter alia*) “necessary to make the development acceptable in planning terms”. The policy would necessitate the signing of a Section 106 agreement in certain circumstances, imposing a planning obligation for consent to be granted for temporary development within a 6-month timeframe, which is neither within the gift of the applicant (or the local authority) to sign up to, nor necessary to make the strategic development acceptable in planning terms.

#### **5 Draft Policy CC3 – Control of Dust and Emissions During Construction and Demolition**

For the same reason set out above under Policy D2, the GLA’s Dust and Emissions SPG is supplementary planning guidance and its status cannot be elevated to planning policy, as would be the effect of draft Policy CC3 as currently worded.

#### **6 Draft Policy RB1 – Resident Ballot Requirement**

This policy requires any landlord or developer pursuing an estate regeneration project which involves the demolition of social housing to apply for GLA estate regeneration funding and, if successful, comply with the GLA’s funding requirements. Whilst One Housing does not disagree with the principle of this policy, as a matter of statute a neighbourhood plan can only contain policies relating to the development and use of land. Therefore, this policy cannot form part of the Neighbourhood Plan.

#### **7 Conclusion**

Our representations do not pre-judge the outcomes of One Housing’s own consultations and the objections we raise do not mean that One Housing oppose 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.

One Housing is in the early stages of considering, with residents, how its 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.

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

A handwritten signature in black ink, appearing to be "Richard Jones".

Richard Jones  
Director

enc. Annex: Example of a suggested change to Section 5 of the draft Neighbourhood Plan  
cc. One Housing Group

## Annex: Example of a suggested change to Section 5 of the Neighbourhood Plan

“For the avoidance of doubt, the Good Practice Estate Regeneration Principles set out below are community aspirations. They are neither planning policy nor a material consideration in the determination of planning applications.”

### ~~ANNEX ASPIRATION ER1 – RIGHT TO VOTE TO APPROVE OR REJECT FINAL PROPOSALS~~

#### **“GOOD PRACTICE ESTATE REGENERATION PRINCIPLE 1 – RESIDENT ENGAGEMENT, INCLUDING THE RIGHT TO VOTE**

To support Sustainable Development in the Area, ~~by ensuring~~ positive engagement of the directly affected community ~~is advocated~~, and in considering the regeneration of Estates in the Area ~~the following approach would be welcomed~~:

- ~~Residents of each Estate facing potential redevelopment must be enabled to participate fully in the redevelopment process of their own Estate.~~ Enabling residents to participate fully in the redevelopment process of their own Estate.
- ~~They must be kept informed at every stage of the process through publicly available information.~~ Keeping residents informed at every stage of the process through publicly available information.
- ~~They must be consulted on and, where reasonably practicable, actively engaged in the selection of contractors, architects and other consultants involved in the project.~~ Consulting and, where reasonably practicable, actively engaging residents in the selection of contractors, architects and other consultants involved in the project.
- ~~Possible development options and rules must be discussed in advance with residents through as many different venues as reasonably practicable, in person, through workshops, online and via surveys before any final options are agreed. All options must allow in full for the rights set out in policies ER5 and ER6.~~ Discussing possible development options and rules in advance with residents at as many different venues as reasonably practicable and appropriate, in person, through workshops, online and via surveys before any final options are agreed (see also aspirations relating to rights, set out in Good Practice Estate Regeneration Principle 5 and Good Practice Estate Regeneration Principle 6).
- ~~The final step in the involvement of residents should be a vote by the affected residents between multiple options.~~
- A vote would be triggered by any proposal that involves the demolition of homes. Votes may also be needed for other proposals that could have significant impacts on existing residents' quality of life, for example proposals for infill building or adding extra floors or taking up open space. Allowing affected residents to vote on a scheme that may have a significant impact on their quality of life (for example: infill development; increasing the height of existing buildings; demolition of their home; or, using open space for built development).”



## Steven Heywood

---

**From:** Olavi Valli [REDACTED]  
**Sent:** 09 January 2020 20:35  
**To:** Neighbourhood Planning  
**Cc:** Joseph Dicenso; David Windsor  
**Subject:** Re: Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Plan-Making Team,

The Pan Peninsula Leaseholders and Residents Association, which represents some 786 apartments in the Pan Peninsula Estate, and is the formally recognised and authorised Residents Association for the Pan Peninsula Estate, strongly supports the Isle of Dogs Neighbourhood Plan as presented, and is satisfied that it and the supporting documents meet all required conditions under the applicable legislation quoted in your email below.

Kind Regards,

Olavi

Olavi Valli  
**Co-Chairman, Pan Peninsula Leaseholders and Residents Association**  
3 Pan Peninsula Square, London E14 9HR

On 9 Jan 2020, at 09:57, Neighbourhood Planning <[NeighbourhoodPlanning@towerhamlets.gov.uk](mailto:NeighbourhoodPlanning@towerhamlets.gov.uk)> wrote:

Dear consultee,

This email is being sent to you with regard to a Neighbourhood Planning consultation being undertaken within the London Borough of Tower Hamlets.

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).

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The consultation will be carried out for 6 weeks, between **9 January and 19 February 2020**. Written representations must be received by 5pm on Wednesday 19 February 2020.

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.

Responses should be sent to [neighbourhoodplanning@towerhamlets.gov.uk](mailto:neighbourhoodplanning@towerhamlets.gov.uk), or by post to:

Plan-Making Team, Strategic Planning  
Tower Hamlets Council  
Town Hall  
Mulberry Place  
Clove Crescent  
London E14 2BG

Best wishes,  
Plan-Making Team  
London Borough of Tower Hamlets

## Steven Heywood

---

**From:** Michael Atkins [REDACTED]  
**Sent:** 03 February 2020 11:02  
**To:** Neighbourhood Planning  
**Cc:** Lucy Owen  
**Subject:** Port of London Authority Response: Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

Dear Plan-making team

Thank you for consulting the Port of London Authority (PLA) on the Isle of Dogs Neighbourhood Plan Regulation 16 consultation. I have now had the opportunity to review the consultation documents and can confirm that the PLA has no in principle objection to the proposed Neighbourhood Plan policies but have the following comments to make on the document.

### **Chapter 3: Construction Management and Communication**

On construction traffic and management issues it is welcomed that reference has now been included within the plan to the PLA's Vision for the Tidal Thames (the Thames Vision) (2016), specifically with regard to the vision goal to see more than 400,000 lorry trips taken off the regions roads by 2035. The PLA in principle supports proposed policy CC3 (Control of dust and emissions during construction and demolition) for construction management plans to specify how they comply with the Greater London Authority's (GLA) Dust and Emissions Supplementary Planning Guidance (2014) (SPG) which includes a number of references to the promotion of the use of the River Thames for the transportation of construction materials and waste, either directly or through the supply chain, which could significantly help to reduce congestion and improve air quality in the Neighbourhood Plan area. It is considered that further promotion of this use is promoted in the 'long' version of the Neighbourhood Plan as this is developed.

### **Section 7: Long Plan:**

With regard to the long plan which will be developed to replace this basic plan; as noted in the PLA's previous consultation responses (dated 02.02.18 and 10.05.19) it is considered that further emphasis must be given to the role the River Thames can play in achieving an increase in sustainable transport modes within the Neighbourhood Plan area for both passengers as well as freight and servicing. There are potentially a number of opportunities along this section of the river to improve access and promote the maximisation of use of the areas various piers, structures and landing points particularly as part of the delivery of small-scale freight (last mile delivery). Therefore it is considered that the long plan must give reference to this which would align with the recent Mayors Transport Strategy (2018) which, under policy 17 states that the Mayor will seek the use of the full potential of the River Thames to enable the transfer of freight from road to river in the interests of reducing traffic levels and the creation of Healthy Streets. Transport for London's (TfL) recently published Passenger Pier Strategy (2019) includes an associated principle (4) to investigate ways to deploy under-used pontoon space at piers for deliveries and other commercial activities.

On passenger transport, as noted in the PLA 's previous response the long plan must also refer to the potential for a riverbus service at New Providence Wharf, as included in the Passenger Pier Strategy (figure 2). Although this is located just outside of the Neighbourhood Plan area, this can help to improve transport accessibility in the wider area, along with the existing riverbus stop at Masthouse Terrace Pier. This is also supported by the recent Passenger Pier Strategy which includes an associated principle (3) to seek to enable the full potential of piers and river services to carry passengers as well as the London Plan.

The Long Plan must also include reference to other matters raised in the PLAs previous responses, including on improving the Thames Path and access to it, and encouraging increased use of the River Thames and the areas waterways for sport and recreational use. Both of these aims are supported by the PLA's Thames Vision as well as

policies contained in the current (7.27: Blue Ribbon Network; supporting infrastructure and recreational use) and emerging (SI16: Waterways – use and enjoyment) London Plan. Given the Neighbourhood Plan area, the River Thames must be used as a key asset for sport, recreation and visual amenity, which all helps to achieve the vision of a liveable environment for the Neighbourhood Plan Area.

I hope this information is of assistance, if you have any questions on the matters raised above please let me know

Regards

Michael

**Michael Atkins**  
Senior Planning Officer

*Port of London Authority*



*Follow us at @LondonPortAuth*



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**Second Isle of Dogs Neighbourhood Plan:  
The Basic Plan  
2019 - 2031**

**Regulation 16 Consultation – January to  
February 2020**

**Comments prepared on behalf of  
Robert Ogden Indescon Developments**

**Submitted 19 February 2020**

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## **1.0 Introduction**

- 1.1.1 On behalf of our client Robert Ogden Indecon Developments we set out below a response to the Regulation 16 public consultation and request for comments on the second Isle of Dogs Neighbourhood Plan 2019 – 2031 (referred to as 'the Basic Plan') dated 11<sup>th</sup> October 2019. This plan was submitted to the London Borough of Tower Hamlets by the Isle of Dogs Neighbourhood Forum on 23 October 2019. On 18 December 2019, the submission was approved by Cabinet to go forward to consultation and examination, on the basis that it meets the requirements of Regulation 15 of the Neighbourhood Planning Regulation 2012.
- 1.1.2 The provision of a neighbourhood plan is welcomed to reflect the changing nature of the area and guide future development. The Tower Hamlets Local Plan 2031 (adopted 15 January 2020) sets out how the borough will grow and development from now until 2031 and the Isle of Dogs Neighbourhood Plan seeks to positively respond to the challenges in managing the delivery of such growth. Our client Robert Ogden Indecon Developments is a major landowner and developer within the London Borough of Tower Hamlets and is supportive of the Isle of Dogs Neighbourhood Planning Forum aspiration to ensure that the island is a great place to live and work.
- 1.1.3 It is hoped that the next stage of the neighbourhood plan document and policies will respond positively to the changing pressures being faced within the area. In so doing we would be grateful if you would kindly take into account the suggestions put forward in these representations as set out within this document.

## 2.0 Comments on Isle of Dogs Neighbourhood Plan 2019-2031

### 2.1 Chapter 1 – Density

- 2.1.1 **Comments on Policy D1 – Infrastructure Impact Assessments:** Policy D1 requires an Infrastructure Impact Assessment to be submitted with large scale developments to assess infrastructure capacity. Where impacts cannot be mitigated, the policy states that proposals should be regarded as unacceptable.
- 2.1.2 This policy ultimately introduces overly onerous requirements, which would be beyond the control of the landowner/applicant to satisfy. These may only be addressed through strategic plan based allocations within the LBTH development plan. Not to do so would adversely affect delivery of much needed new housing and in particular affordable housing. Contributions for some 'infrastructure' noted would be the responsibility of other statutory bodies (e.g. utilities companies, emergency services or transport providers such as TfL) or which would be subject to other contributions for undelivered or undeliverable schemes. Such infrastructure requirements may not comply with the CIL regulations or be lawful. The plan led system and infrastructure providers should anticipate development in advance of applications being submitted.
- 2.1.3 The policy may render development unviable and significantly reduce affordable housing delivery. This may have a deleterious effect on land values, undermine confidence for lending on development, delay or even stymie development and stagnate the market. It would hinder delivery of sustainable development contrary the guidance in the National Planning Policy Framework (February 2019). Notwithstanding this, local planning authorities maintain delivery of infrastructure by means of an existing s106 contribution or Community Infrastructure Levy regimes.
- 2.1.4 Such a requirement adds further documentation at the planning stage and introduces a complicated and time consuming analysis of other consented/undeveloped schemes. This would introduce excessive uncertainty into the assessment process and unreasonably punish viable schemes against those already consented but with little prospect of being delivered for other reasons.



## 2.2 Chapter 2 – Empty Sites

- 2.2.1 **Comments on Policy ES1 – Use of Empty Sites:** Policy ES1 requires applications for Strategic Development (defined as a development of more than 100 residential units or more than 10,000sqm of floorspace) to include as part of any application a feasibility study and impact assessment for one or more potential Meanwhile Uses on their sites (including existing buildings) which should be implemented by the applicant or third parties if the Strategic Development is not begun in accordance with the substantive planning application within six months of gaining planning consent. Furthermore, the policy sets out the occasions where such potential Meanwhile Uses shall be included in the relevant Construction Management Plan to be implemented for the Strategic Development and the preferred priority of different types of Meanwhile Use and the basis on which sites should be used for Meanwhile Uses.
- 2.2.2 We consider that some of the comments set out in Section 8 of the Independent Examiners Report on the previous version of the Isle of Dogs Neighbourhood Development Plan still apply.
- 2.2.3 The aspirations of this policy to implement meanwhile uses on vacant sites is supported and is in accordance with draft London Plan Policy H3 (The London Plan – intend to Publish version, December 2019) and general conformity with the Tower Hamlets Local Plan 2031 (adopted 15 January 2020), however, we consider that the policy is still set out in a mandatory language which is too prescriptive and should be reviewed to consider whether it meets the Basic Conditions.
- 2.2.4 Whilst there should be active support for the provision of Meanwhile Uses, the requirements as set out in this policy are not always viable or practical on all strategic sites, in addition to which there may be ownership, safety or management issues which prevent such uses.
- 2.2.5 The Planning Practice Guidance on Neighbourhood Planning advises that *'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'*.
- 2.2.6 It is not clear how the Policy ES1 will be assessed, enforced or controlled and the following comments are made in relation to the wording of the policy:

- a) It is not clear what the Feasibility Study and Impact Assessment into Meanwhile Uses should address or the basis on which it will be assessed. For Strategic Development sites there may be several types of Meanwhile Use that could be appropriate for a site and it will become onerous to assess the feasibility and impacts of each different use.
- b) A Construction Management Plan is usually required to be submitted to the Local Planning Authority prior to the commencement of development to outline the approach to be taken for managing construction works and to ensure that the possible impacts that may arise from the works have been appropriately identified, managed and addressed e.g. noise, dust, air quality etc. It is therefore unclear why a Construction Management Plan should include reference to Meanwhile Uses or the type of information to be included in relation to Meanwhile Uses. In addition, if the substantive planning permission is not commenced a Construction Management Plan will not be submitted.
- c) It is unclear why it is only in the circumstances of demolition not being commenced that the Construction Management Plan should provide for how Meanwhile Uses are to be implemented.
- d) The priority order is not evidenced but sets out a set of local preferences.
- e) The policy allows for Meanwhile Uses to be recalled by the developer but there is no definition as to what reasonable notice comprises of. The policy may therefore lead to future issues regarding resistance from Meanwhile Uses to vacate sites.
- f) It is unclear how a planning permissions can be 'frozen' whilst a site for Strategic Development is being used for a Meanwhile Use.

2.2.7 Paragraph 173 of the National Planning Policy Framework states that policies should not impose onerous obligations or frustrate strategic sites in the development plan. We consider that the requirements of Policy ES1 remain onerous and unrealistic. For many developers it may not be possible to guarantee the provision and delivery of Meanwhile Uses and the requirement to deliver such uses could hinder the speedy delivery of the substantive planning permission and/or affect its viability and funding support. The period of six months to implement agreed Meanwhile Uses is also considered to be too short a time from grant of planning permission to the commencement of development for Strategic Development.

2.2.8 In summary, we consider it is unreasonable to insist on the implementation of a Meanwhile Uses and we would suggest that the policy is amended to encourage and support (rather than require) the implementation of Meanwhile Uses whilst ensuring that the amenity of residents is not detrimentally affected by such uses.



19 February 2020



Neighbourhood Planning Consultation  
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savills.com

Dear Sir/Madam,

### **Isle of Dogs Neighbourhood Plan 2019-2031: Regulation 16.**

We welcome the opportunity to comment on the London Borough of Tower Hamlets (LBTH) Isle of Dogs Neighbourhood Plan (IoDNP) 2019-2031: Regulation 16. We write on behalf of Rockwell Property and set out our observations and suggested amendments to the emerging IoDNP.

We look forward to working with the Council so that the plan can facilitate sustainable development, respond positively to the Government's agenda for growth, and meets the statutory basic conditions for adoption under paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

### **Representations to Regulation 16 Consultation**

Tower Hamlets is uniquely placed in London to act as a focus for growth and any new plan must recognise and reflect this in its ambition. We are pleased to note that this sentiment is captured in the emerging IoDNP and would expect all decisions on policy direction to be framed and taken in this context. In order to ensure clarity in decision making, it would be helpful if a statement to this effect could be included at the front of the plan.

### ***Section 1: Glossary of Terms***

We support the proposed Glossary of Terms at the outset of the IoDNP and consider it to be an appropriate means of ensuring that the Plan is accessible to all members of society. We do however object to the proposed definition of Public Transport Accessibility Level (PTAL) as it is currently worded, which is reproduced below for reference:

*PTAL – Public Transport Accessibility Level, used as a measure to determine appropriate maximum development densities by TfL.*

The above definition of PTAL is out of date and should be changed. It should be acknowledged that the tests are now much broader than density alone and consider a range of design led matters.

### **Section 2: Vision and Objectives**

We welcome the draft vision to establish a high quality of life for all residents and workers – both those already here and still to come.

However, in paragraph 2.7, we note the text makes reference for large residential developments to only be permitted after all infrastructure and services needed to support them and all other developments nearby have been fully considered and allowed for.

Officers will be aware that London Borough of Tower Hamlets have recently adopted its Local Development Plan, adopted January 2020 (**LDP**) which allocates growth to the Isle of Dogs based on a thorough evidence based review. This evidence base has assessed the availability and suitability of infrastructure to support planned growth and that plan has been found sound. Where the Neighbourhood Plan adds additional requirements that are not consistent with the strategic policies of the LDP (including delivery and viability assumptions) this would not satisfy the basic condition in relation to conformity. . In fact, it would be helpful if a statement could be included in the Neighbourhood Plan that acknowledges and accepts that the Isle of Dogs has been identified for significant growth in the Local Development Plan on a full and recent assessment of the available evidence relating to infrastructure provision. In terms of timing, it is acknowledged that any additional infrastructure ought to be brought forward in a timely manner but where this is planned for, otherwise beneficial development to provide jobs and homes and affordable homes which all meet a pressing need should not be artificially delayed.

It is also relevant to note that all large residential planning applications (10 units +) as set out within the LBTH validation checklist are required to provide a Sustainability Assessment as part of the planning submission. The Sustainability Assessment examines the social, environmental and economic effects of the national strategies and policies in a local development document to ensure that a proposal is in accordance with sustainable development practice. This document is available to members when making their decisions and considers the actual impacts of each developments. Environmental Impact Assessment will also apply to relevant projects, which will take into account cumulative schemes where appropriate. The Neighbourhood Plan is not supported by an equivalent evidence base.

There is no need to duplicate this provision in the Neighbourhood Plan. Likewise, we suggest that it would be a more balanced plan if the emerging vision recognised that there remains a 'desperate' and 'pressing' need for new housing and affordable housing. As stated within the LBTH Local Plan (2020), the minimum number of additional homes the Isle of Dogs and South Poplar districts need to provide between 2016 - 2031 is 31,209. This equals 57% of the minimum total additional housing requirements for Tower Hamlets. Therefore, we propose the vision to make note of the need for additional housing.

### **Draft Policy D1 Infrastructure Impact Assessment**

Page 9 of the draft IoDNP sets out a summary of Neighbourhood Plan Policies.

The summary of Chapter 1 and Draft Policy D1 (Infrastructure Impact Assessment) at paragraph 3.5 states that:

*Applications for Major and Strategic Developments to be accompanied by Infrastructure Impact Assessments enabling planning officers and committees to assess Infrastructure capacity. Potential Infrastructure improvements to be proposed and assessed where the Infrastructure Impact Assessment suggests Infrastructure is insufficient. If negative impacts cannot be mitigated, applications should be considered unacceptable.*

We welcome the IoDNP ambition to ensure the right infrastructure is in place to support emerging developments. However, we note the Infrastructure Impact Assessment can be carried out as part of a Transport Assessment or as part of the Environmental Impact Assessment, as set out within the LBTH Validation Checklist for Major Applications. The EIA will include a specific cumulative impact assessment with the schemes recently approved or currently underway in the vicinity of the site. Again, as set out in the NPPF unnecessary duplication should be avoided. The inclusion of this policy does not meet that test for the purpose of the basic conditions.

We also suggest the Neighbourhood Forum seeks clarification with LBTH in regards to the deployment of their CIL 'neighbourhood share' monies to address infrastructure matters.

Notwithstanding the above, the Local Plan is the tool that considers and identifies infrastructure requirements to support planned growth. Where contributions are collected from developers to fund infrastructure, it is the

responsibility of the Council to enable delivery of that infrastructure in a timely fashion. The benefits of development should not be delayed where a developer has made the requisite contributions to the local authority for their attention and action, whatever the programme the local authority elect to work to.

### **Draft Policy ES1 Use of Empty Sites**

We fully support the IoDNP ambition to encourage developers to use empty sites in a way that will benefit the community, as set out within paragraph 4.5.2 Policy ES1 Use of Empty Sites.

However, we also recognise that draft Policy ES1 may be challenging in a difficult market. Practical constraints may also prevent meanwhile uses from coming forward such as site preparation works or contaminated land. Developers might have restricted use to the development land through legal obligations and as such may not be able to implement a meanwhile use on the site prior to construction.

Additionally, paragraph 4.5.2.3.2 notes a five year time period to implement a permission with the use of a meanwhile use. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, planning permissions normally have three years from the date it is granted to begin the development.

We would therefore suggest that the text of draft Policy ES1 is amended to read:

*Developers will be positively encouraged to identify opportunities for meanwhile uses on their sites where the opportunities arrive.*

### **Draft Policy CC1 Construction Coordination**

We welcome the IoDNP aim for a more transparent and open planning system.

Draft Policy CC1 makes note for construction management plan (CMP) changes to be notified to the local community with reasonable consultation time. We would suggest that this is brought forward in the drafting of each CMP under the provisions of conditions and any best practice guidance published by LBTH.

LBTH determine the consultees with which they consult, and it is inappropriate for the proposed Neighbourhood Plan to add new specific consultees in this document.

### **Draft Policy SD1 Sustainable Design**

Draft Policy SD1 (Sustainable Design) at 4.7.2 states that:

*Planning applications to include pre-assessments demonstrating how BREEAM standards (or any future replacement standards) will be met.*

We welcome IoDNP pledge for sustainable design. However, we note that LBTH's Local Plan Policy D.ES7 (A zero carbon borough) sets the requirements of sustainability for all new proposed developments. The policy states that "All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating." Also, as a minimum, all self-contained residential proposals will be strongly encouraged to meet the Home Quality Mark. Therefore, draft policy SD1 of the Neighbourhood Plan again duplicates existing guidance and is unnecessary.

### **Draft Policy AQ1 Air Quality**

We note that LDP Policy D.ES2 sets the requirements of LBTH air quality standards for all new proposed developments. Therefore, draft policy AQ1 of the neighbourhood Plan again duplicates existing guidance and is unnecessary.

### ***Draft Policy 3D1 3D Model***

We support the IoDNP ambition to embrace technology and innovation within the planning process. This aligns with the emerging London Plan Policy D2 part C, that recommends the use of visual, environmental and movement modelling/assessments to analyse potential design options for an area, site or development proposal. It should be noted that the 3D model is one part of any assessment of townscape impact/benefit and should be employed accordingly. Individuals using 3D models should have received appropriate training in their use.

In response to the proposed policy wording of Policy 3D1 (3D Model for Applications) we note that the draft Neighbourhood Plan requests a 3D model is submitted with planning applications for Strategic Development.

We note that material to be submitted in support of planning applications is defined by LBTH's validation checklist. Having regard to the NPPF requirement to avoid unnecessary duplication, for the purposes of the basic conditions assessment, we suggest that it is therefore not appropriate for the draft Neighbourhood Plan to add these additional requirements.

### ***Section 6 – CIL Spending Priorities***

We acknowledge that this section of the draft Neighbourhood Plan is a recommendation to the LBTH only, and is not proposed as a Neighbourhood Plan Policy.

We welcome this distinction between recommendation and proposed policy, and suggest that LBTH note this and allocate CLL in line with the CIL Regulations and LBTH's Regulation 123 list.

*As set out in the Community Infrastructure Levy (Amendment) Regulations 2013, Reg 8, "where all or part of a chargeable development is within an area that has a neighbourhood development plan in place the charging authority must pass 25 per cent of the relevant CIL receipts to the parish council for that area"*

We support that this is noted in the draft Neighbourhood Plan. We anticipate that LBTH will follow the CIL Regulations fully, and suggest that the Neighbourhood Plan's suggestion at paragraph 6.1.4, that all CIL generated in the Neighbourhood Plan area is applied to works in the Neighbourhood Plan area, or of at least direct benefit to the area can only be viewed by LBTH as a suggestion, whereas in practical terms LBTH will follow the CIL Regulations strictly.

Thank you for giving us the opportunity to comment on the emerging draft Isle of Dogs Neighbourhood Plan (IoDNP) 2019-2031: Regulation 16. We would be grateful for confirmation of receipt of these representations and look forward to some suggested dates to meet.

Please do not hesitate to contact us on the details at the head of this letter should you require any further information.

Yours faithfully,

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

Savills

## Steven Heywood

---

**From:** Planning South <Planning.South@sportengland.org>  
**Sent:** 10 January 2020 10:09  
**To:** Neighbourhood Planning  
**Subject:** Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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 96 and 97. 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 Playing Fields Policy and Guidance document.

<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 97 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.

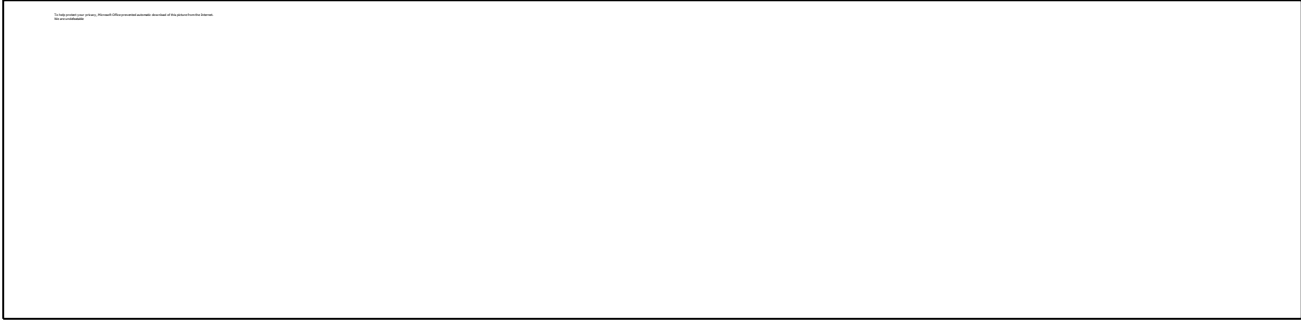
Yours sincerely,

**Planning Admin Team**

**T:** 020 7273 1777

**E:** [Planning.south@sportengland.org](mailto:Planning.south@sportengland.org)





Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF



---

**From:** Steven Heywood <Steven.Heywood@towerhamlets.gov.uk> **On Behalf Of** Neighbourhood Planning  
**Sent:** 09 January 2020 09:57  
**To:** Neighbourhood Planning <NeighbourhoodPlanning@towerhamlets.gov.uk>  
**Subject:** Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

Dear consultee,

This email is being sent to you with regard to a Neighbourhood Planning consultation being undertaken within the London Borough of Tower Hamlets.

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 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.

Copies of the submitted materials may be inspected free of charge from 9 January to 19 February 2020 at the following locations:

- The Council's website ([https://www.towerhamlets.gov.uk/lgn/planning\\_and\\_building\\_control/planning\\_policy\\_guidance/neighbourhood\\_planning/Isle\\_of\\_Dogs.aspx](https://www.towerhamlets.gov.uk/lgn/planning_and_building_control/planning_policy_guidance/neighbourhood_planning/Isle_of_Dogs.aspx))
- Tower Hamlets Town Hall, Mulberry Place, E14 2BG
- Idea Store Canary Wharf, Churchill Place, E14 5RB
- Cubitt Town Library, Strattondale Street, E14 3HG

The Council is now consulting on whether the Isle of Dogs Neighbourhood Plan fulfils the Basic Conditions as required by Paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). Any person or organisation may comment on the Neighbourhood Plan or supporting documents.

The consultation will be carried out for 6 weeks, between **9 January and 19 February 2020**. Written representations must be received by 5pm on Wednesday 19 February 2020.

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.

Responses should be sent to [neighbourhoodplanning@towerhamlets.gov.uk](mailto:neighbourhoodplanning@towerhamlets.gov.uk), or by post to:

Plan-Making Team, Strategic Planning  
Tower Hamlets Council  
Town Hall  
Mulberry Place  
Clove Crescent  
London E14 2BG

Best wishes,  
Plan-Making Team  
London Borough of Tower Hamlets

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**Steven Heywood**

---

**From:** Amy Ly [REDACTED]  
**Sent:** 13 January 2020 11:40  
**To:** Neighbourhood Planning  
**Cc:** James Greene; Kath Harrison; Sue Janota  
**Subject:** RE: Isle of Dogs Neighbourhood Plan Regulation 16 Consultation

Dear Sir/Madam,

Thank you for consulting Surrey County Council on the Isle of Dogs Neighbourhood Plan Regulation 16 consultation.

We do not have any specific comments to make on this consultation, but please keep us informed of any further consultations.

Kind Regards,

Amy Ly

Amy Ly  
Student Intern  
Minerals and Waste Planning Policy Team  
Surrey County Council

\* \* \* \* \*

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Sent by email to:  
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0118 9520 500

19 February 2020

## 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. Thames Water have previously commented on the Neighbourhood Plan and wish to make the following comments on the consultation document.

### General Comments

Thames Water continue to support draft Policy D1 (Density and Infrastructure). However to strengthen the Policy it should be made clear that all Surface Water Drainage strategies for this area should be defined by the emerging Integrated Surface Water Management Strategy (ISWMS) for the area which is currently being prepared and the London Plan surface water disposal hierarchy, which request that developers use the most suitable surface water management disposal route and avoid connections to the combine sewer as far as possible to allow for capacity of additional foul water from the development area.

Furthermore Thames would like to request the following text is included within the supporting paragraphs for Policy D1 which requires developers to liaise with Thames Water at an early stage of development through our pre-planning service:

*“Developers need to consider the net increase in water and waste water demand to serve their developments and also any impact the development may have off site further down the network, if no/low water pressure and internal/external sewage flooding of property is to be avoided.*

*Thames Water encourages developers to use their free pre-planning service (<https://www.thameswater.co.uk/preplanning>). This service can tell developers at an early stage if there will be capacity in Thames water and/or wastewater networks to serve their development, or what they will do if there is not.*

*The developer can then submit this communication as evidence to support a planning application and Thames can prepare to serve the new development at the point of need, helping avoid delays to housing delivery programmes”.*

### Infrastructure Upgrade Delivery Timescales

It is important not to under estimate the time required to deliver necessary infrastructure. For example to understand, design, and deliver local network upgrades can take around 18 months

and Sewage Treatment & Water Treatment Works upgrades can take 3-5 years. Implementing new technologies and the construction of a major treatment works extension or new treatment works extension or new treatment works could take up to 10 years.

Thames Water have limited powers under the Water Industry Act 1991 to prevent connection to its network ahead of infrastructure upgrades. In some circumstances it may be necessary to phase development in order to avoid adverse amenity impacts for existing or future users such as internal and external sewer flooding, pollution of land, and water courses and / or issues with water supply in the form of no or low water pressure. To minimise the likelihood of requiring such conditions developers are advised to contact Thames Water as early as possible to discuss their development proposals and intended delivery programme.

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

Yours sincerely

**Thames Water Utilities Ltd**

EC/BL/P7729  
19 February 2020

Neighbourhood Planning Consultation  
Strategic Planning Team, Place Division  
London Borough of Tower Hamlets  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Dear Sir / Madam

**Consultation on the Draft Isle of Dogs Neighbourhood Plan  
Representation for Tide Construction**

We write on behalf of our client, Tide Construction Ltd, to make representations to the Draft Isle of Dogs Neighbourhood Plan (2019-2031) in relation to the redevelopment of 30 Marsh Wall.

Tide Construction are a leading property development company, utilising both traditional and modular construction techniques. They focus on delivering high quality designed schemes in an appropriate timeframe. Tide Construction is therefore understandably keen to ensure that planning policy does not set out any potentially unreasonable or inappropriate barriers to new development coming forward but encourages sustainable development within the Isle of Dogs and across the Borough as a whole.

**Comments on draft Neighbourhood Plan**

As a participant in the continued regeneration of the Isle of Dogs, our client generally welcomes this document as a helpful addition to the planning policy framework that will assist 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 the quality of development in the area.

Tide Construction welcomes the visions and objectives set out on page 7 of the Plan which seek 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 specifically relevant to our client.

Tide Construction – representation on the Isle of Dogs Neighbourhood Plan  
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## **Vision and Objectives**

Page 7 of the draft Plan lists a number of key objectives and visions for the Isle of Dogs. Tide Construction are supportive of the majority of the visions identified and agree that they will help to make the Isle of Dogs a pleasant place to live and work.

However, we note paragraph 2.7 states large scale residential developments should only be permitted after all infrastructure and services needed to support them and all other developments nearby have been fully considered and allowed for. This is a concerning statement as it is unclear what the term ‘allowed for’ means and it appears to suggest that further developments cannot be permitted until infrastructure improvements have been provided. This would, in most cases, be unachievable as the infrastructure required may need to be delivered as part of the new development or may require the receipt of CIL funding generated from the commencement of a new development to be implemented. Furthermore, other infrastructure requirements are dependent on other providers, such as Thames Water, which are outside the developer’s control.

## **Infrastructure**

Draft Policy D1 seeks to require developers to submit an Infrastructure Impact Assessment with all planning applications for Major and Strategic developments and seeks to prohibit development where there are existing deficiencies in infrastructure provision.

The council’s validation checklist requires a utilities statement be provided with all major applications and all relevant infrastructure providers are consulted on the planning application, who in turn state they must be consulted prior to commencement of development/during the course of development so this document only serves to double up on what is already required. As such, it is overly onerous to require an additional infrastructure assessment to be submitted, and it is requested that this policy requirement should be removed.

Our client also has concerns about the statements within draft Policy D1 which state that where there are deficiencies within infrastructure capacity, contributions should be made towards local infrastructure and that if the proposed development is contingent on the provision of new infrastructure, the development should be phased accordingly. It should be made clear that where infrastructure deficiencies relate to services or facilities outside of the control of the developer (such as transport and water) this should be covered by CIL payments rather than an additional financial contribution.

The Council’s adopted Regulation 123 List (September 2016) sets out a list of types of infrastructure projects that Tower Hamlets intends will be, or may be, wholly or partly funded by CIL. The list states:

Types of strategic infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance):

- Community facilities
- Electricity supplies to all Council managed markets
- Employment and training facilities
- Energy and sustainability (including waste) infrastructure
- Flood defences
- Health and social care facilities
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Open space, parks and tree planting



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- Public art provision
- Public education facilities
- Roads and other transport facilities

This list identified by the Council includes relevant infrastructure projects which would be required to ensure there is sufficient infrastructure capacity within the Isle of Dogs and the CIL payments which are made by developers could be used by Tower Hamlets to address existing infrastructure deficiencies. Tide therefore contend that the CIL payments generated by strategic developments in the Isle of Dogs should be used to address infrastructure deficiencies. As CIL payments are made upon commencement of development, prohibiting developments from coming forward until a time when the infrastructure capacity has been made available is counter-intuitive as the CIL payments would not be available to fund the infrastructure improvements. The necessary infrastructure improvements would therefore require other funding streams which may be more difficult to procure.

Paragraph 4.4.2.4 of the Plan is also concerning as it states if a development is contingent on the provision of new infrastructure then the development should be phased accordingly. This makes the delivery of schemes within the Isle of Dogs reliant on other bodies (such as TfL and Thames Water) to upgrade their services and provide improvements to infrastructure, which are outside of the control of the developer. The uncertainty this would cause has the potential to stifle development and as such, should be removed.

### **Density**

Draft Policy D2 seeks to require all residential developments which exceed a density of 1,100 habitable rooms per hectare to comply with the GLA's Housing SPG and applications which do not adequately demonstrate this will be considered unacceptable.

Tide Construction supports the provision of high quality developments and ensuring that all of their developments protect the amenity of existing residents, provides high quality accommodation for future residents and respects the local context. However, the density range has been abolished from the most recent version of the draft London Plan in lieu of a design-led approach and the newly adopted Local Plan does not set defined density targets for new development. As such, the defined density targets should be removed from the draft Neighbourhood Plan and should instead follow the approach of the draft London Plan, with a design-led approach that optimises the capacity of sites.

The newly adopted Tower Hamlets Local Plan policy (Policy D.DH7) on density should be read alongside the tall buildings policy (Policy D.DH7) which sets defined criteria for development to be acceptable. The draft London Plan also contains policies relating to density and tall buildings (Policies D3 and D9) which set similar design criteria for high density schemes and tall buildings.

As such, there is no need for draft Policy D2 as it is covered by the recently adopted Local Plan and draft London Plan which is now at an advanced stage in the adoption process (and is due to be adopted in advance of the emerging Neighbourhood Plan at which point it will form part of the adopted development plan). Furthermore, the proposed Policy D2 does not conform with the Local Plan or National policies which seek to move away from defined density targets.

Schedule 4B of the Town and Country Planning Act, at paragraph 8(2) requires Neighbourhood Plans to be in general conformity with the strategic policies contained in the development plan. Draft Policy D2 would fail to comply with both adopted Local Plan policy and emerging London Plan policy, and therefore does not meet the basic conditions as set out in the Act.

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Developers will need to comply with both the Local Plan and London Plan density and tall buildings policies. There is therefore already more than sufficient policy to ensure tall buildings and high density schemes are delivered to a high standard of design.

Referencing the Mayor's Housing SPG within draft Policy D2 and stating that non-compliance will be unacceptable is also a concern. The Housing SPG is a guidance document rather than adopted policy; it is therefore unreasonable to impose such a restriction on development.

### **Empty Sites**

In terms of Policy ES1 which seeks to prevent sites becoming vacant for potentially many years whilst awaiting redevelopment and instead seeking to encourage wider public benefits to the local community through Meanwhile Uses, the practicalities of implementing this policy is a concern, whilst the policy is unreasonable and unclear in its wording. The policy as proposed would require all strategic scale developments within the Isle of Dogs to submit a feasibility study at application stage which assesses the potential for one or more Meanwhile Uses to be implemented prior to commencement of development.

Draft Policy ES1 fails to recognise that remediation is often required, such as archaeological evaluation, de-contamination and the provision of sewerage infrastructure, which do not constitute the commencement of development but require the site to be cleared.

As such, this policy is unsound as it does not appropriately recognise the constraints of preparing a site for development, nor does it recognise retaining the site in its previous lawful use until commencement.

However, if the Council is in a position to support this policy, our client would suggest a number of amendments to make it more reasonable and more practical to implement.

Firstly, the suggested timeframe of six months from planning permission being granted is insufficient; these are strategic scale developments which require a lot of preparatory work, such as obtaining the necessary funding; compiling a team of construction workers and relevant consultants; carrying out any remediation works necessary and discharging relevant planning conditions. As such, six months is not sufficient time to prepare a site for strategic scale development. We would therefore suggest allowing 18 months before a meanwhile use is required.

Tide Construction also contends that it is unreasonable to require the feasibility study to be submitted with the application, which will incur an additional cost to the developer, when it may not be required (for example if the existing tenants are to stay on site or if the development is commenced within the identified timeframe). As such, our client suggests a condition or obligation which requires the developer to submit the feasibility study after twelve months of planning permission being granted (if development has not yet commenced), with the Meanwhile Use then being required to be implemented if development has still not commenced 18 months after permission being granted, or a similar alternative that the Council see fit providing the feasibility study is required post-planning.

Where existing tenants are to remain on-site until demolition, we suggest this negates the requirement for a feasibility statement being submitted.

Paragraph 4.5.2.1.2 is unclear in its meaning, we assume it means where there are no existing buildings to be demolished but the wording should be amended to clarify this.

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Our client supports the proposal to extend the time limit of planning permission as an incentive for developers to put vacant sites to a Meanwhile Use; however, the way Policy ES1 seeks to implement this is unclear and leaves room for misinterpretation.

Finally, we consider it necessary for the Neighbourhood Plan to confirm that the implementation of the Meanwhile Use would not constitute commencement of development in terms of triggering CIL payments, S106 obligations or requiring discharge of any pre-commencement conditions.

As a whole, our client requests the wording within Policy ES1 and the supporting text is made simpler; it needs to provide a clear and succinct explanation of what the feasibility study should include in the event that there are buildings or no buildings on site and what works would be required in order to install the Meanwhile Use on site. At present, the draft policy fails to achieve this.

### **Construction Management**

As part of the Considerate Constructors Scheme, Tide Construction always intend to provide the local community with updates of the progress on site, including having a direct contact for local residents, a website that is updated regularly and notices on the hoardings surrounding the site.

Tide Construction also supports the local community being made aware of construction plans and hours of working, however, we consider the most effective way to consult the local community on Construction Management Plans (CMPs) and hours of work are for the Council to consult the local community when a planning application is received. A condition requiring these details be displayed on site should then be secured.

Our client would also suggest combining draft Policies CC1 and CC2 into one policy as they cover similar topics and are inherently linked.

Regarding draft Policy CC3, our client supports the consideration of the GLA's Dust and Emissions SPG in the preparation of Construction Management Plans. Although this is already covered by Local and London Plan policy, our client does not object to the retention of draft Policy CC3 if the Council consider it appropriate.

### **Sustainable Design**

Draft Policy SD1 seeks to support sustainable development within the Isle of Dogs and identifies a number of standards which new development should seek to achieve (such as BREEAM 'Excellent'). Tide Construction support the aim of achieving sustainable development and the ambitions of this policy, however, if the Council wish to avoid duplication of policies then draft Policy SD1 could be removed as it is already sufficiently covered by Local and London Plan policies.

### **Air Quality**

Draft Policy AQ1 seeks to ensure new developments do not cause harm to air quality within the Isle of Dogs and states that any proposals that result in a significant increase in air pollution will only be justified in exceptional circumstances.

Our client is supportive of this policy in principle and the intention to improve air quality within the Isle of Dogs. However, it is suggested that paragraph 4.8.2.2 which states, in relation to EU or UK environmental requirements, that developments should comply with whichever legislation "is more stringent" should be amended to "whichever is applicable" as the EU regulations will not be relevant

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through the lifetime of this Neighbourhood Plan.

### **3D Model**

Tide Construction support a comprehensive assessment of development proposals by Officers, Committee Members and the local community, and are happy to provide multiple views and fly-through presentations of proposals to be presented at Planning Committee. However, our client currently has concerns with architects handing over this data due to copyright issues. This is something that should be subject to further legal advice if the Council wish to proceed with Policy 3D1.

### **Conclusion**

Tide Construction generally supports the objectives and the intentions behind the policies within the draft Isle of Dogs Neighbourhood Plan. However, as set out within this representation the wording of certain policies, such as draft policies D1 and D2, is currently concerning and represents a highly onerous imposition on developers that may jeopardise the delivery of strategic development in the area.

We trust these representations will be fully considered as part of the Neighbourhood Plan consultation and we would be happy to discuss the matter further if necessary.

Yours faithfully

*Emily Cochrane*

For and on behalf of  
Rolfe Judd Planning Limited

cc Tide Construction



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## By Email

13 February 2020

Dear Sir/Madam

### Re: Isle of Dogs Neighbourhood Plan 2019-2031

*Please note that these comments represent the views of Transport for London (TfL) officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL's role as a transport operator and highway authority in the area. These comments also do not necessarily represent the views of the Greater London Authority (GLA).*

Thank you for giving Transport for London (TfL) the opportunity to comment on the draft Isle of Dogs Neighbourhood Plan. Given the advanced stage of the draft London Plan in the adoption process – with the Intend to Publish version now available on the GLA website – we will have regard to it when assessing and responding to local planning policy consultations, including the draft Isle of Dogs Neighbourhood Plan.

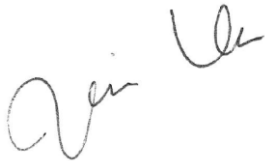
Public and active transport infrastructure is vital to support 'good growth' across London, and TfL will continue to work with all partners to ensure that new development in the area covered by the Isle of Dogs Neighbourhood Plan enables and encourages people to travel by walking, cycling and public transport. We strongly welcome the aspiration of the draft Isle of Dogs Neighbourhood Plan to support growth while enabling people to move around using sustainable transport modes.

As set out in our response to an earlier consultation on the draft Neighbourhood Plan, we urge the Forum to include an approach to traffic reduction within the Isle of Dogs Neighbourhood Plan as set out in the Mayor's Transport Strategy (MTS). We further encourage including the Healthy Streets 'wheel' (see Appendix B) in the Neighbourhood Plan to fully embed the Healthy Streets Approach into planning decisions in the area.

We have set out detailed comments and proposed changes in Appendix A to this letter, which we hope are helpful. We look forward to continuing to work

together in drafting the final document and are committed to continuing to work closely with the Forum, London Borough of Tower Hamlets and the GLA to deliver integrated planning and make the case for continued investment in transport capacity and connectivity to enable Good Growth.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jos Vos', written in a cursive style.

Josephine Vos  
**Manager London Plan and Planning Obligations**

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## Appendix A: Specific suggested edits and comments from TfL on the Isle of Dogs Neighbourhood Plan

Section	Page	Track change/comment
2.8.9	7	<p>'Quick, efficient and free-flowing transport options – whether cycling, walking, buses, DLR, boats or cars – all working together effectively.'</p> <p>'Free-flowing' transport is not always possible given the necessary interaction of different road users and the need to manage traffic and congestion, nor is it in line with current policy. We suggest amending this objective to reflect Vision Zero and the Healthy Streets Approach as set out in the draft London Plan and the Mayor's Transport Strategy. Demand management measures are needed to reduce car use in particular as space efficient modes are necessary to effectively move people and goods in high density, urban environments such as the Isle of Dogs.</p>
4.4.2.2	15	<p>The policy needs clarification with regard to the definition of 'sufficient infrastructure capacity', to support new development.</p> <p>It is appropriate to plan for the impact of cumulative development. However, clarification should be given on how mitigation of cumulative impact is proposed to be shared among each development/applicant.</p>
4.4.2.4	15	<p>Please amend text:</p> <p>'If the proposed development is contingent on the provision of new <b>or enhanced</b> Infrastructure (including, without limitation, public transport services), the development should be phased accordingly.'</p>
4.4.2.5	15	<p>'Infrastructure impacts will be considered unacceptable where they result in negative impacts that cannot be adequately mitigated.'</p> <p>We request clarity on what is considered 'adequate' mitigation. As part of this, opportunities to enable walking and cycling should be considered to support the public transport network, in line with the draft London Plan and Mayors Transport Strategy.</p>



## Appendix B: Healthy Streets Wheel



Source: Lucy Saunders