

MAYOR'S EXECUTIVE DECISION MAKING

Tuesday, 12 May 2020

Mayor's Decision Log No. 195


1. INDIVIDUAL MAYORAL DECISION REPORTS

1.1 Isle of Dogs Neighbourhood Plan Examiner's Report and Referendum (Pages 3 - 164)

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Matthew Mannion, Committee Manager, Democratic Services

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<p align="center">Individual Mayoral Decision</p> <p align="center">12 May 2020</p>	 <p align="center">TOWER HAMLETS</p>
<p>Report of: Ann Sutcliffe, Corporate Director Place</p>	<p>Classification: Unrestricted</p>
<p align="center">Isle of Dogs Neighbourhood Plan Examiner's Report and Referendum</p>	

Lead Member	Councillor Rachel Blake, Deputy Mayor for Planning, Air Quality, and Tackling Poverty
Originating Officer(s)	Steven Heywood, Plan Making Team Marissa Ryan-Hernandez, Strategic Planning Manager
Wards affected	Island Gardens Canary Wharf Blackwall and Cubitt Town
Key Decision?	Yes
Forward Plan Notice Published	16/4/2020
Reason for Key Decision	Impact on Wards
Strategic Plan Priority / Outcome	A Great Place to Live

Executive Summary

The Isle of Dogs Neighbourhood Plan has been the subject of an independent examination process. On 14 April 2020, the Council and the Neighbourhood Forum received the examiner's final report on the neighbourhood plan, alongside a tracked change edit of the plan in line with the recommendations contained in the final report (appendices 1 and 2). The examiner has recommended that the plan meets the basic conditions for proceeding to referendum, subject to the recommended modifications.

The Town and Country Planning Act 1990 (as amended) requires the Council to now make a decision with regards to the Examiner's recommendations and come to a conclusion as to whether the draft neighbourhood plan meets the basic conditions and legal requirements, or could meet the basic conditions and legal requirements, if modifications were made to the draft Plan.

The examiner's recommendations have been considered, and it is the officers' view that the Council agree with the recommendation that the neighbourhood plan meets the basic conditions subject to modifications being made, and can therefore progress to referendum. Officers note that due to recent guidance from the government on the impact of coronavirus, the referendum will need to be delayed until 6 May 2021.

Recommendations:

The Mayor is recommended to:

1. Note Appendix 1: Isle of Dogs Neighbourhood Plan Final Report of Examination and Appendix 2: Examiner's Edited Version of the Neighbourhood Plan, and the Examiner's recommendation that the plan meets the basic conditions subject to modifications being made, can therefore proceed to referendum, and that the referendum area should be the same as the designated neighbourhood area.
2. Note Appendix 3: Referendum Version of the Neighbourhood Plan and Appendix 4: Response to Examiner's Recommendation and Additional Changes.
3. Agree that Appendix 3: Referendum Version of the Neighbourhood Plan should proceed to referendum, with a referendum area that is the same as the designated neighbourhood area, in accordance with Schedule 4B of the Town and Country Planning Act 1990.
4. Note that further due to the Local Government and Police and Crime Commissioner (coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, all neighbourhood planning referendums have been delayed until 6 May 2021, or until further notice that the relevant regulations have been amended in response to the coronavirus pandemic.
5. Note that under recently-issued Planning Policy Guidance on Neighbourhood Planning, the neighbourhood plan will have significant weight in the decision-making process for the designated neighbourhood area until the referendum can be held.
6. Note the specific equalities considerations as set out in Section 9.

1 REASONS FOR THE DECISIONS

- 1.1 The Isle of Dogs Neighbourhood Plan has been the subject of an independent examination process. Following receipt of an Examiner's report on 14 April 2020 the Council is required to consider the recommendations in the report and decide what action to take in relation to each. The Council must also come to a decision regarding whether the draft neighbourhood plan meets the basic conditions and legal requirements or could meet the basic conditions and legal requirements, if modifications were made to the draft Plan (whether or not recommended by the Examiner). If the Council decides that the Plan does or could, following modification, meet the basic conditions and legal requirements, the Plan must be taken to referendum. This decision must be made within 5 weeks of the receipt of the Examiner's report.

2 ALTERNATIVE OPTIONS

- 2.1 The Council is not bound by the Examiner's recommendations and is able to make a decision which differs from that recommended by the Examiner. As outlined above, the Council is required by the legislation to make its own decision regarding whether the draft neighbourhood plan meets or could meet, following modification, the basic conditions and legal requirements.
- 2.2 The Council could decide that the plan does not meet the basic conditions and legal requirements, and cannot be modified to do so. This is not considered to be a viable option, as the examiner's recommendation is clear that the plan can be modified to meet the basic conditions and legal requirements. Officers are not aware of any justifiable reasoning why the plan cannot be modified to meet these requirements.
- 2.3 The Council could decide that the plan meets the basic conditions and legal requirements without the need for the modifications recommended by the examiner. This is also not considered a viable option. The examiner has set out clear reasoning for why the modifications are necessary, and in many cases they directly address elements of the plan that council officers had already identified as potentially failing to meet the basic conditions. It would be contradictory for the Council to now claim that its own officers' suggestions, as supported by the examiner, do not need to be implemented.
- 2.4 While the Council is not bound by the Inspector's recommendations, a failure to accept them without good reason runs the risk of legal challenge and/or intervention by the Secretary of State for Housing, Communities and Local Government.

3 DETAILS OF THE REPORT

- 3.1 This report provides an assessment of the Isle of Dogs Neighbourhood Plan Examiner's Report recommendations and the Council's considerations of whether the Plan meets, or could meet following modification, the basic conditions and legal requirements.
- 3.2 The content of this report is as follows:
- Section 4 – an introduction to neighbourhood planning
 - Section 5 – outline of the relevant legislative framework and guidance
 - Section 6 – a background to the Isle of Dogs neighbourhood plan examination
 - Section 7 – assessment of the examiner's report and whether the plan meets the basic conditions and legal requirements, or could do so with modification
 - Section 8 – implications concerning coronavirus

4 INTRODUCTION TO NEIGHBOURHOOD PLANNING: A COMMUNITY-LED PROCESS

- 4.1 The Localism Act 2011 amended the Town and Country Planning Act (TCPA) 1990 to make provision for neighbourhood planning, which gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.
- 4.2 The legislative provisions concerning neighbourhood planning within the TCPA 1990 are supplemented by the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) and the Neighbourhood Planning (Referendum) Regulations 2012.
- 4.3 Neighbourhood planning provides communities with the ability to prepare a NDP and/or NDO, in areas designated by the Council on application as a neighbourhood area. Neighbourhood planning powers may only be exercised by bodies authorised by the legislation.
- 4.4 NDPs set out policies in relation to the development and use of land in all or part of a defined neighbourhood area and may include site allocations, or development principles, for allocated sites. They may also include character appraisals and seek to establish community facilities and/or identify areas for public realm improvements.
- 4.5 Both NDPs and NDOs need to be in general conformity with the strategic policies of the Council's Development Plan: the Core Strategy (2010) and Managing Development Document (2013) and the London Plan (2016).
- 4.6 An NDP that has been 'made' in accordance with the relevant legislative provisions forms part of the Council's statutory 'Development Plan' and, as such, will be accorded full weight when determining planning applications in the neighbourhood area. NDPs will form a new spatial layer to the Council's planning policy and guidance.
- 4.7 NDP policies are developed by a neighbourhood forum through consultation with stakeholders in their relevant neighbourhood area and through engagement with Council Officers. Proposed NDP policies must be supported by an up-to-date evidence base to ensure that they are reasonable, sound and justified. Before the NDP is 'made' it must be subject to pre-submission publicity and consultation, submitted to the Council for a legal compliance check, publicised for consultation, submitted for independent examination, found by the independent examiner to meet the basic conditions specified in the legislation, and passed at a referendum.

Community Infrastructure Levy

- 4.8 The Community Infrastructure Levy Regulations 2010 (as amended) ('the CIL Regulations') are supplemented by the Government's Planning Practice Guidance ('the PPG') on the Community Infrastructure Levy.
- 4.9 The CIL Regulations, as explained by the PPG, make provision for how CIL receipts may be used in relation to neighbourhood planning in those areas which have Parish Councils and those which do not. Tower Hamlets does not have any Parish Councils and, as such, the Council retains the revenue generated by CIL.
- 4.10 The Community Infrastructure Levy PPG (Ref ID: 25) states (at paragraphs 145 and 146) that where a neighbourhood plan is made, the neighbourhood area will benefit from 25% of the levy revenues arising from the development that takes place in the area. Where there is a parish council, the money will be paid to the parish. Where there is not a parish council, the local authority should consult with the community about how to use the funds, including to support priorities set out in the neighbourhood plan. This amount will not be subject to an annual limit.
- 4.11 Therefore, where a NDP or NDO has been adopted, the Council is required to consult with the local community as to how this 25 per cent proportion of CIL receipts will be spent. The funds can be spent on infrastructure or anything else that is concerned with addressing the demands that development places on the area. Irrespective of this regulation, the Cabinet in December 2016, agreed to undertake this for all areas of the borough whether or not an NDP or NDO has been adopted.

5 NEIGHBOURHOOD DEVELOPMENT PLANS: RELEVANT LEGISLATION

- 5.1 This section outlines the relevant legislative framework and guidance as they relate to the consideration by the local authority of the recommendations made by the Examiner and the draft Neighbourhood Plan. These include the Town and Country Planning Act 1990 Schedule 4B paragraphs 8, 12 and 13, and the Planning and Compulsory Purchase Act 2004 sections 38A and 38B. This section sets out the legislative approach that applies to decision-making on all neighbourhood plans – specific policy issues and relevant sections of policy and guidance that apply to this particular neighbourhood plan will be considered in later sections.

Consideration by the authority of recommendations made by the examiner

- 5.2 The Town and Country Planning Act 1990 (TCPA 1990) Schedule 4B paragraph 12(2) states that where an examiner has made a report under paragraph 10 TCPA 1990 Schedule 4B, the Council must:

- (a) consider each of the recommendations made by the report (and the reasons for them), and*
- (b) decide what action to take in response to each recommendation.*

(3) The authority must also consider such other matters as may be prescribed.

(4) If the authority are satisfied—

- (a) that the draft order meets the basic conditions mentioned in paragraph 8(2), is compatible with the Convention rights and complies with the provision made by or under sections 61E(2), 61J and 61L, or*
- (b) that the draft order would meet those conditions, be compatible with those rights and comply with that provision if modifications were made to the draft order (whether or not recommended by the examiner),*

a referendum in accordance with paragraph 14, and (if applicable) an additional referendum in accordance with paragraph 15, must be held on the making by the authority of a neighbourhood development order.

(5) The order on which the referendum is (or referendums are) to be held is the draft order subject to such modifications (if any) as the authority consider appropriate.

(6) The only modifications that the authority may make are—

- (a) modifications that the authority consider need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),*
- (b) modifications that the authority consider need to be made to secure that the draft order is compatible with the Convention rights,*
- (c) modifications that the authority consider need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,*
- (d) modifications specifying a period under section 61L(2)(b) or (5), and*
- (e) modifications for the purpose of correcting errors.*

(10) In any case where the authority are not satisfied as mentioned in sub-paragraph (4), they must refuse the proposal.

(11) The authority must publish in such manner as may be prescribed—

- (a) the decisions they make under this paragraph,*
- (b) their reasons for making those decisions, and*
- (c) such other matters relating to those decisions as may be prescribed.*

(12) The authority must send a copy of the matters required to be published to—

- (a) the qualifying body, and*
- (b) such other persons as may be prescribed.*

- 5.3 TCPA 1990 Schedule 4B paragraph 13 states that If the local planning authority propose to make a decision which differs from that recommended by the examiner, and the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations. If the authority considers it appropriate to do so, they may refer the issue to independent examination.

Considering the Draft Neighbourhood Plan

- 5.4 The Independent Examiner – and the Council, once it has received the Examiner’s Report – must consider whether making the plan meets the basic conditions and complies with certain legal requirements. These are outlined below.

- 5.5 The Basic Conditions (as outlined in paragraph 8(2) of Schedule 4B to the TCPA 1990 [as amended]) are:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make [the Plan],*
- (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 Plan],,*
- (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 Plan],,*
- (d) the making of [the Plan] contributes to the achievement of sustainable development,*
- (e) the making of [the 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),*
- (f) the making of [the Plan] does not breach, and is otherwise compatible with, EU obligations, and*
- (g) prescribed conditions are met in relation to [the Plan] and prescribed matters have been complied with in connection with the proposal for [the Plan].*

- 5.6 Only one further Basic Condition has been prescribed under paragraph 8(2)(g), as follows: “The making of the Neighbourhood Development Plan is not likely to have a significant effect on a European site...or a European Off-Shore Marine site...(either alone or in combination with other plans or projects)”.

- 5.7 The legal requirements [provisions] (as made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004) are:
- i) it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;*
 - ii) it sets out policies in relation to the development and use of land;*
 - iii) it specifies the period during which it has effect;*
 - iv) it does not include provisions and policies for ‘excluded development’;*
 - v) it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;*

6 BACKGROUND TO THE ISLE OF DOGS NEIGHBOURHOOD PLAN

- 6.1 This section outlines the key statutory stages in the production of the draft Isle of Dogs Neighbourhood Plan.
- 6.2 The Isle of Dogs Neighbourhood Area and Neighbourhood Forum were designated by Tower Hamlets Council in Cabinet on 5 April 2016, with the decision notice published on 19 April 2016.
- 6.3 A first version of the Isle of Dogs Neighbourhood Plan was developed in 2016-17. Regulation 14 consultation (arranged by the Forum) took place between March and April 2017, and Regulation 16 consultation (arranged by the Council) between January and February 2018. The plan was examined between March and June 2018 by the Independent Examiner Mr John Parmiter, with a public hearing held on 10 May 2018. The final examiner’s report for this first examination of the plan was received by the Council on 7 June 2018. The recommendation was that the plan did not meet the basic conditions and legal requirements, could not be modified to do so, and should therefore not proceed to referendum. The Council accepted this recommendation at a Cabinet meeting on 27 June 2018.
- 6.4 Following this, the neighbourhood forum developed an updated version of the neighbourhood plan. The neighbourhood forum ran a public consultation on this new version of the plan between 3 April and 16 May 2019, as required under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Details of the Forum’s consultation activities across both versions of the neighbourhood plan were set out in the consultation statement (and three appendices) provided as part of the formal submission of the plan.
- 6.5 The neighbourhood forum submitted the draft neighbourhood plan and accompanying documents to the Council on 23 October 2019, in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations

2012. On 18 December 2019, Cabinet agreed that the submission met the statutory requirements set out in paragraph 6 of Schedule 4B of the TCPA 1990 and therefore should be publicised under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 and taken forward to Examination. It was also agreed in Cabinet that the Council should proceed to appoint an independent Examiner with the consent of the neighbourhood forum in accordance with Paragraph 6 of Schedule 4B of the TCPA 1990 (as amended).

- 6.6 It was noted in the Cabinet report that this decision was only to consider the draft plan against the statutory requirements set out in paragraph 6 of Schedule 4B of the TCPA 1990. In particular, the Council had to be satisfied that a basic condition statement had been submitted but it was not required to consider whether the draft plan actually met the basic conditions. It is only after the independent examination has taken place and after the examiner's report has been received that the Council comes to its formal view on whether the draft NDP meets the basic conditions (Planning Practice Guidance Neighbourhood Planning Paragraph 53).
- 6.7 As required under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, a consultation run by the Council was held between 9 January and 19 February 2020. A total of 22 representations were received as part of this consultation. As part of these representations:
- Comments from Thames Water, the Pan Peninsula Residents' Association, and an individual resident expressed support for the plan.
 - The Environment Agency, Historic England, Natural England, and Surrey County Council expressed no comment on the plan.
 - Comments from National Grid, Port of London Authority, and Sport England took a neutral position on the plan.
 - Comments were received from 7 developers (Ashbourne Beech, Ballymore, Berkeley Homes, Chalegrove Properties, Robert Ogden Indescon, Rockwell Property, and Tide Construction), all of which expressed concern about sections of the plan. A representation from One Housing Group also expressed concern about the sections relating to estate regeneration.
 - Comments from the Canal and River Trust, GLA, and TfL also expressed a need for some changes to specific elements of the plan, while noting that the remainder of the plan did not raise any concerns for them.
 - The Council also submitted a lengthy representation, setting out concerns with the ability of a number of sections of the plan to meet the basic conditions, particularly around the requirement in the NPPF for policy to be clearly drafted. The Council's representation included a number of suggestions for modifications that could be made to the plan to bring it in line with the basic conditions.
- 6.8 In February 2020, with the agreement of the neighbourhood forum, the Council once again appointed Mr John Parmiter as the Independent Examiner of the plan. Following the end of the Regulation 16 consultation, all

representations were sent to him, and he commenced his examination on 20 February 2020.

- 6.9 The final examiner's report was received by the Council and the neighbourhood forum on 14 April 2020, and published on the Council's website on 18 April 2020. The report was accompanied by an appendix, a version of the neighbourhood plan edited by the examiner, with tracked changes showing, to demonstrate a number of recommended modifications to the drafting. This has also been published on the Council's website.

7 CONSIDERATION OF THE ISLE OF DOGS NEIGHBOURHOOD PLAN EXAMINER'S REPORT AND ASSESSMENT

- 7.1 Paragraph 10 of the TCPA 1990 requires the Examiner to make one of the following recommendations:

- i) that the draft plan is submitted to a referendum, or
- ii) that modifications specified in the report are made to the draft plan and that the draft order as modified is submitted to a referendum, or
- iii) that the proposal for the plan is refused.

- 7.2 The Isle of Dogs Neighbourhood Plan Examiner has recommended that modifications be made to the draft plan, and the modified plan be submitted to a referendum.

- 7.3 The examiner's report is attached to this report as appendix 1. The examiner also provided a second document as part of his report, which is a tracked change edited version of the neighbourhood plan to show numerous small drafting changes. This document is attached as appendix 2.

Basic Conditions

- 7.4 Paragraph 2 of the examiner's report states: "I have concluded that the plan does meet the Basic Conditions". However, paragraph 3.21 elaborates that some modifications are necessary for this to be the case:

"I have concluded that while the neighbourhood plan can be seen to be in general conformity with the strategic policies of the development plan for the area, it needs to a) be modified where some policies are potentially undermining of the strategic objectives; and b) recognise the strategic planning context much more overtly, in order to meet the basic conditions"

- 7.5 Paragraph 4.10 notes a need for a

“number of minor drafting changes – necessary to bring the whole of the plan into a consistent and clear whole, including supporting text, to meet the basic conditions, particularly [National Planning Policy] Framework [paragraph] 16(d) – that plans must: *contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” (examiner’s emphasis).

7.6 Beyond a general need to redraft some of the plan text to bring it in line with NPPF paragraph 16(d), a number of specific problems with relation to the basic conditions are highlighted:

- Policies D1, D2, ES1, and RB1 should all be modified in line with the suggestions made by the Council at the Regulation 16 consultation, in order to bring them in line with the basic conditions.
- Policy SD1 does not meet the basic conditions without modifications, as it appears to require a standard beyond those of the building regulations and the optional technical standards, contrary to Written Ministerial Statement of 25 March 2015 on building standards.
- Policy AQ1 is judged to represent unnecessary duplication contrary to national guidance, and is recommended to be moved to the Annex and reframed as an aspiration.

7.7 The examiner also recommends significant changes to the Annex of the neighbourhood plan. He notes in paragraph 12.3 that an annex would “normally be outside the scope of the examination”. However, in this instance,

“the approach taken in the plan gives, in my view, a confusing message to users of the plan; as does the framing of aspirations that follow, many of which are described as ‘provisions’ – even ‘requirements’ – and the framing of each aspiration in the same way graphically as policies (in a box)”.

7.8 He continues, in paragraph 12.4,

“therefore, in order to meet the Basic Conditions and to achieve the clarity required by Guidance, I recommend that the Annex be moved to the end of the plan document and that the text be modified, in all cases, to replace ‘provisions’ or ‘requirements’ with ‘aspirations’ and to clarify elsewhere that the aspirations are not to be taken into account as part of the development management process”.

Legal Compliance

7.9 Paragraph 3 of the examiner’s report states “I have concluded that, subject to certain modifications, the plan would meet the legal requirements”. He does not go on to explicitly state which modifications are related to the legal requirements rather than the basic conditions. However, in paragraph 4.8, he describes the introduction to the ‘summary’ section of the plan as going

“beyond the use and development of land”, which references the legal requirement that the plan should relate to the use and development of land.

- 7.10 Paragraph 14.1 concludes that “subject to the modifications I am recommending, the plan will meet the Basic Conditions and the legal requirements”.

Council’s Assessment

- 7.11 The Council agrees with the examiner’s assessment that the plan can meet the basic conditions with some modification. During the Regulation 16 consultation, the Council expressed concern that the plan was not adequately in conformity with paragraph 16(d) of the NPPF and paragraph 041 of the PPG on neighbourhood planning, both of which require policies to be clearly drafted in order to be used by decision makers. The modifications recommended by the examiner address this issue by making a significant number of drafting changes.
- 7.12 The Council had also previously expressed concern about whether policy D1 was in general conformity with strategic policies at the local, regional and national level. The examiner has addressed this issue in his report as well, noting that “the drafting of the policy needs to avoid creating an embargo” and that “the plan’s approach is too broad and all-encompassing without the robust and proportionate evidence to justify it” (paragraph 5.7). The examiner’s recommended modifications to the policy are those proposed by the Council at the Regulation 16 consultation, and the Council is therefore satisfied that the modified policy meets the basic conditions.
- 7.13 The Council agrees with the examiner’s assessment regarding the legal compliance of the plan, and the need to delete the introductory part of the ‘summary’ section and to clearly mark the annex to make clear that elements of the plan which do not relate to the use and development of land are intended as aspirations rather than planning policy.
- 7.14 On four instances, the Council has not fully agreed with the examiner. The TCPA 1990 Schedule 4B paragraph 13 sets out that if the Council proposes to differ from the examiner’s recommendations, and the reason for that difference is the emergence of new evidence or a new fact, or a different view taken on a particular fact, the Council must invite further representations and potentially submit the issue to independent examination. In all four of these instances, the Council does not consider that the difference from the examiner’s recommendation relates to a disagreement over evidence or facts, or the emergence of new evidence or facts – but rather to ensure that the final version of the plan meets the basic conditions. Therefore, it is considered that no additional consultation or examination is needed.
- 7.15 In paragraph 4.7 the examiner has recommended the glossary be deleted, and has given convincing reasons why the glossary as submitted was contrary to the basic conditions. However, after discussion with the Forum, it was felt useful to include a list of acronyms as an appendix to aid readers of

the plan. This is considered in line with the guidance in paragraph 16(d) of the NPPF and paragraph 041 of the PPG on Neighbourhood Planning on the need for clarity and a lack of ambiguity in neighbourhood plans.

- 7.16 The examiner recommended some minor drafting changes to the 'Vision and Objectives' section of the plan, which would remove some wording that was no longer reflected in the plan policies. After discussion with the Forum, it is agreed that this section was intended to function as historical context for the plan, rather than as a set of objectives that was reflected in the plan's policies. The vision and objectives were developed by the Isle of Dogs community prior to the plan, and were used to inform the topics the plan focused on, but not to inform the actual policies on those topics. The wording has therefore been kept the same as the submission version, as they are considered to form a record of the objectives agreed by the community; and the whole section has been added to the 'Context' section of the plan, to make clear that it sets the context for the plan only. Consequently, the examiner's recommendation that the 'Summary' section be combined with the 'Vision and Objectives' section has not been implemented, and the 'Summary' remains a separate section. This is considered in line with the guidance in paragraph 16(d) of the NPPF and paragraph 041 of the PPG on Neighbourhood Planning on the need for clarity and a lack of ambiguity in neighbourhood plans, by ensuring that the function of different sections of the plan is clear.
- 7.17 In paragraphs 5.7 and 7.12 of the final version of the neighbourhood plan, the examiner has added the words "the Forum consider that" to the supporting text explaining how a policy works. In both cases, the Council does not find this to be appropriate wording for a policy – to meet the basic condition for clarity, there should be no confusion between the policies and the annex aspirations, and this wording suggests that there are some aspects of the policies that are only equivalent to aspirations. After discussion with the Forum, the Council agrees that the recommendation should not be accepted. This is considered in line with the guidance in paragraph 16(d) of the NPPF and paragraph 041 of the PPG on Neighbourhood Planning on the need for clarity and a lack of ambiguity in neighbourhood plans. The examiner has recommended a number of similar wording changes in the Annex, and these changes have been accepted in all cases.
- 7.18 In paragraph 5.12 of the final version of the neighbourhood plan, the examiner has added wording to say that notification of changes to working hours should 'comply' with the Council's Statement of Community Involvement ('SCI'). This has been changed to say the notification process should 'consider' the relevant sections of the SCI. Policy CC2 puts the onus on developers to notify the local community of changes, and developers are not bound by the Council's SCI, so the encouragement to consider what the SCI says seems more appropriate. This is considered in line with the guidance in paragraph 16(d) of the NPPF and paragraph 041 of the PPG on Neighbourhood Planning on the need for clarity and a lack of ambiguity in neighbourhood plans.

- 7.19 Some minor additional changes have also been implemented in the supporting text of the final version of the neighbourhood plan. The additional changes emerged from officers identifying areas where ambiguity remained after the examiner's modifications had been implemented, and from discussions with the Forum around how best to counter that ambiguity. The changes have been made to aid clarity in situations where there was some uncertainty over the wording, and therefore to bring the plan into conformity with paragraph 16(d) of the NPPF and paragraph 041 of the PPG on Neighbourhood Planning on the need for clear drafting, and thus to bring the plan in line with the basic conditions. The additions include clarification on infrastructure impact assessments required under policy D1; an explanation of how developers can demonstrate they have undertaken 'reasonable endeavours' to secure a meanwhile use for their site under policy ES1; and a clarification on the reporting requirement for developers to demonstrate whether they have met the Home Quality Mark under policy SD1.
- 7.20 Appendix 3 is a 'clean' edited version of the neighbourhood plan, incorporating the examiner's recommendations and the additional changes incorporated to further aid clarity. Appendix 4 is a table setting out the Council's response to each of the examiner's specific recommendations in his final report, and explaining the reasoning behind the additional changes.
- 7.21 The Council agrees that the final version of the neighbourhood plan contained in Appendix 3 meets the basic conditions and legal requirements, and can proceed to referendum.

8 REFERENDUM AND IMPLICATIONS RELATING TO THE CORONAVIRUS PANDEMIC

- 8.1 The examiner recommends that the neighbourhood plan should proceed to a referendum subject to the proposed modifications, and that the referendum area should be the same as the designated neighbourhood area. The Council agrees with both of these recommendations.
- 8.2 On 7 April 2020, the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 came into force. Regulation 13 delays neighbourhood planning referendums until "the ordinary day of election in 2021", which is 6 May 2021.
- 8.3 Officers are not aware of any regulations that affect the standard five-week deadline between a Council receiving the examiner's final report and the requirement to take a decision on the recommendations the final report contains. Therefore, the Council is proceeding with making a decision about whether to accept the examiner's recommendations to modify the plan and submit it to a referendum, even though that referendum will subsequently be postponed.
- 8.4 The Planning Policy Guidance on Neighbourhood Plans was also updated on 7 April 2020, to include paragraph 107 (reference ID 41-107-20200407). This

paragraph states that “where the local planning authority has issued a decision statement (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application”.

- 8.5 On this basis, the neighbourhood plan will have significant weight in relevant planning decisions from the day of this decision until the referendum is held on 6 May 2021. If the plan passes at referendum, it will continue to have significant weight as a formal part of the development plan (once formally made by the Council). If the plan fails at referendum, it will no longer carry any weight in planning decisions.

9 EQUALITIES IMPLICATIONS

- 9.1 The recommendations in this report would see new policy implemented in the Isle of Dogs Neighbourhood Area, and an Equalities Impact Assessment Checklist has been attached to this report as Appendix 5. It is not felt that there will be any negative impacts on equalities issues due to the neighbourhood plan.
- 9.2 The Basic Conditions Statement submitted as part of the neighbourhood plan submission contains an Equalities Impact Assessment, which similarly concludes that impacts of the neighbourhood plan will be neutral or positive for all protected groups.

10 OTHER STATUTORY IMPLICATIONS

- 10.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 10.2 Best Value Implications: The Council will be responsible for the costs of organising and executing the referendum on the neighbourhood plan. However, the Council will be able to claim £20,000 of funding from the government for the referendum.
- 10.3 Consultations: The neighbourhood plan has undergone all the stages of consultation required under statute (and if this plan is considered a

continuation of the previous Isle of Dogs Neighbourhood Plan, all stages have been undergone twice). There is no requirement for further consultation.

- 10.4 Environment: the neighbourhood plan has been subject to a screening exercise relating to the need for a Strategic Environmental Assessment (SEA) or Habitats Regulation Assessment (HRA). The screening assessment found that neither an SEA or HRA was required, and this view was confirmed by the statutory consultees (Natural England, Historic England, Environment Agency).
- 10.5 Risk: the primary risk relating to this decision would arise from a failure to make a decision within the statutory timeframe of 5 weeks of receipt of the Examiner's report. If a decision is not made within this timeframe the Secretary of State has the power to intervene. A further risk could arise if the Council did not follow the Examiner's recommendations. This is because, whilst the Council is not bound by the Inspector's recommendations, a failure to accept them without good reason runs the risk of legal challenge and/or intervention by the Minister for Housing, Communities and Local Government. It is considered that the minor deviations from the examiner's recommendations are justified, and present a low risk of intervention.
- 10.6 Crime/Safeguarding/Data Protection: no implications.

11 COMMENTS OF THE CHIEF FINANCE OFFICER

- 11.1 There are no material financial implications emanating from this report. Costs associated with conducting the Isle of Dogs Neighbourhood Plan referendum will be met from a combination of existing revenue budgets and Government funding of £20k.
- 11.2 Significant costs will be incurred implementing the plan should the referendum be successful and will be subject of separate reports.

12 COMMENTS OF LEGAL SERVICES

- 12.1 Section 38A(4) of the Planning and Compulsory Purchase Act 2004('the 2004 Act') defines a 'neighbourhood development plan' as a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan. Section 38A(4) of the 2004 Act also states that Schedule 4B of the Town and Country Planning Act 1990 ('TCPA 1990') also applies to neighbourhood development plans.
- 12.2 The Mayor is authorised to note the officer recommendations detailed in this report by virtue of:
- regulation 4(1)(a) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and
 - Section 18 of the Council's Constitution that vests all Executive functions in the Mayor.

- 12.3 Pursuant to the requirements of Schedule 4B, paragraph 12(2) of the TCPA 1990 and as is the case in the present matter for consideration, where an examiner has made a report relating to a proposed neighbourhood development plan the Council must :
- consider each of the recommendations made by the report (and the reasons for them), and
 - decide what action to take in response to each recommendation.
- 12.4 Paragraph 093 of the Government's Planning Practice Guidance on Neighbourhood Planning states that the Council must issue its decision on what action it will take, including whether to send the draft neighbourhood plan to a referendum within 5 weeks of receipt of the examiner's report.
- 12.5 Under regulation 18(1)(c) and (2) of the Neighbourhood Planning (General) Regulations 2012, the council must publish its decision and the reasons for it (the decision statement) and the examiner's report on its website and in such other manner as likely to bring these to the attention of people who live, work or carry on business in the neighbourhood area.
- 12.6 Importantly, pursuant to the paragraph 107 (41-107-20200407) of the Government's Planning Practice Guidance, once the local planning authority has issued a decision statement detailing its intention to send a neighbourhood plan to referendum, the draft neighbourhood plan can be given significant weight in decision-making so far as the plan is material to the application.
- 12.7 In accordance with the recommendations in this report and pursuant to paragraph 12(4) and (5) of Schedule 4B of the TCPA 1990, the Council must hold a referendum on the making of a neighbourhood development plan. The order on which the referendum is to be made is the draft neighbourhood plan with the limited modifications made to it that the Council considers appropriate to make (para 12(5) of Schedule 4B). As this report indicates, officers have made minor modifications to the draft plan received from the Examiner in order to ensure that it meets the statutory 'basic conditions' in paragraph 8(2) of Schedule 4B.
- 12.8 Due to the Coronavirus pandemic, all neighbourhood planning referendums scheduled to take place between 16 March 2020 and 5 May 2021 are now postponed until 6 May 2021 pursuant to the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.
- 12.9 Under s38(4)(a) of the 2004 Act, the Council must make a neighbourhood development plan if in any referendum held under Schedule 4B of the TCPA 1990, more than half of those voting have voted in favour of the plan. The Council must make any such plan as soon as reasonably practicable after the referendum is held.

- 12.10 Pursuant to s38(6) of the 2004 Act, if the neighbourhood plan has been approved at the referendum, it will attain the same legal status as a local plan (and other documents that form part of the statutory development plan). At this point it will come into force as part of the statutory development plan and applications for planning permission in this neighbourhood area must be determined in accordance with this development plan, unless material considerations indicate otherwise. These matters will be the subject of a further report to Cabinet for the adoption of the neighbourhood plan in circumstances where a successful referendum is held in May 2021.
- 12.11 If the referendum supports the making of a neighbourhood plan, and following the formal adoption of such plan, the neighbourhood area can benefit from the allocation of 25% of CIL receipts relating to planning permissions granted in the area. The council will hold these funds but will consult with local people on how best to spend the money which could include supporting infrastructure development and addressing any other demands that development places on the area.
- 12.12 The Mayor will note that paragraphs 6.3 to 6.7 of the report explain that public consultation was undertaken between 3 April and 16 May 2019 and 9 January and 19 February 2020 in satisfaction of the general public law duties.
- 12.13 The common law provides that a public body must adopt a fair procedure to decision-making to ensure that members of the public are provided with a fair and informed opportunity to make representations and provide their comments before the decision comes into effect. If a public body embarks on a consultation procedure then the common law imposes basic criteria that must be satisfied in order for that procedure to be considered lawful and fair (*R. v Brent London Borough Council, ex. P. Gunning* [1985] 84 LGR 168) established the following basic criteria (now known as the *Sedley* criteria), that all fair consultations must satisfy:
1. Consultation must be undertaken at a time when proposals are still at a formative stage;
 2. Sufficient reasons must be given for any proposal to allow an intelligent consideration of and response to the proposal;
 3. Adequate time must be given for consideration and response; and
 4. Responses must be conscientiously taken into account in finalising any proposal.

Paragraphs 6.3 to 6.7 of the report set out the extent of the consultations exercises undertaken and demonstrate a fair and legally robust process.

- 12.14 Further, paragraphs 9.1 and 9.2 of this report state that an Equalities Impact Assessment Checklist has been completed in relation to the proposed policy implications arising from implementing the neighbourhood plan. Additionally, an Equalities Impact Assessment was prepared and submitted along with the Basic Condition Statement. Both documents concluded that no negative equalities impacts would arise from the recommendations in this report and

implementation of the Neighbourhood Plan. The assessments demonstrate that the Council has complied with and discharged the Public Sector Equality Duty in s149 of the Equality Act 2010.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Isle of Dogs neighbourhood Plan Final Report of Examination
- Appendix 2 – Examiner's Edited Version of the Neighbourhood Plan
- Appendix 3 – Referendum Version of the Neighbourhood Plan
- Appendix 4 – Response to Examiner's Recommendation and Additional Changes
- Appendix 5 – Equalities Impact Assessment Checklist

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

Steven Heywood

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Isle of Dogs Neighbourhood Plan

Report of Examination

Report to London Borough of Tower Hamlets

by the Independent Examiner:

John Parmiter FRICS FRSA MRTPI



14 April 2020

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Summary

1. From my examination of the submitted Isle of Dogs Neighbourhood Plan and the supporting documents, including all the representations made, I have concluded that, subject to the modifications I **recommend**, the Neighbourhood Plan should proceed to a referendum.
2. I have concluded that the plan does meet the Basic Conditions. In summary, the Basic Conditions are:
 - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
 - 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. This applies only to Orders.
 - 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. This applies only to Orders.
 - d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
 - e. the making of the 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.
 - f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 - g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
3. I have concluded that, subject to certain modifications, the plan would meet the legal requirements in that:
 - It has been prepared and submitted for examination by a qualifying body;
 - It has been prepared for an area properly designated;
 - It does not cover more than one neighbourhood plan area;
 - It does not relate to “excluded development”;
 - It specifies the period to which it has effect – to 2031; and
 - The policies would relate to the development and use of land for a designated neighbourhood area.
4. The Referendum Area should be the same as the designated area.

1. Introduction

- 1.1 I am appointed by the London Borough of Tower Hamlets, with the support of the Isle of Dogs Neighbourhood Planning Forum (the Qualifying Body), to undertake an independent examination of the Isle of Dogs Neighbourhood Plan (known as the Basic Plan), as submitted for examination.
- 1.2 This plan is, in many respects, a revision of an earlier Neighbourhood Plan (known as the Quick Plan), which I examined in 2018. I failed that plan due to fundamental flaws that were not possible to resolve through modifications in order to meet the basic conditions. In particular, the infrastructure evidence was not sufficiently robust or proportionate to support a core aim and key policy in the plan; nor had it been consulted upon. There were also a significant number of non-land use policies that would have to have been removed from the plan.
- 1.3 I am an independent planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

- 1.4 It is the role of the Independent Examiner to consider whether making the plan meets the Basic Conditions. These are:
 - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
 - 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. This applies only to Orders.
 - 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. This applies only to Orders.
 - d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
 - e. the making of the 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).
 - f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 - g. prescribed conditions are met in relation to plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

- 1.5 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.
- 1.6 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:
- Has been prepared and submitted for examination by a qualifying body;
 - Has been prepared for an area that has been properly designated;
 - Meets the requirements that they must not include excluded development;
 - Relates to more than one Neighbourhood Area; and
 - Relates to the development and use of land.
- 1.7 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:
- a) that it should proceed to Referendum on the basis that it meets all legal requirements; or
 - b) that, once modified to meet all relevant legal requirements, it should proceed to Referendum; or
 - c) that it should not proceed to Referendum on the basis that it does not meet the relevant legal requirements.
- 1.8 Second, if recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Designated Area to which the Plan relates.

The Examination process

- 1.9 I was formally appointed to examine the Neighbourhood Plan in February 2020. The default position is that neighbourhood plan examinations are conducted by written representations; in this case I provisionally decided that there were a sufficient number of issues that warranted clarification and/or oral evidence at a public hearing. However, issues around purdah (before the London Elections were postponed), costs and, finally, the impact of Covid-19 meant that a hearing was not possible. I duly completed the examination from the available material.

The Examination documents

- 1.10 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Planning and Compulsory Purchase Act, Neighbourhood Planning Act and Regulations, the National Planning Policy Framework, Written Ministerial Statements and the Planning Practice Guidance) together with the development plan, the relevant documents that were furnished to me - and were identified on the Council's

websites as the neighbourhood plan and its supporting documentation for examination - were:

- Draft Isle of Dogs Neighbourhood Plan; this included two appendices:
 - Infrastructure Baseline Analysis; and
 - Evidence Base document (together with a construction map).
- Basic Conditions Statement;
- Consultation Statement, with three appendices:
 - Community Survey;
 - Newspaper articles; and
 - Forum emails.
- Responses received under Regulation 16 (referred to later).

1.11 I was also furnished with the Council's SEA and HRA Screening Determination of 12 July 2019.

The Qualifying Body and the Designated Area

1.12 The Isle of Dogs Neighbourhood Planning Forum is the Qualifying Body for the designated area that is the neighbourhood plan area. The Executive Mayor of the London Borough of Tower Hamlets (LBTH), on behalf of the local authority, designated the Neighbourhood Area in April 2016. This is essentially the southern section of the Isle of Dogs; it is a smaller area than the Forum originally applied for - it excludes Canary Wharf - and is not matched to wards or other boundaries used for data collection. In relation to the drafting of the plan this had implications for evidence that was collected (or only available) on the original boundary or in relation to the Isle of Dogs Opportunity Area Planning Framework, for example. There is no other neighbourhood plan for this area.

The Neighbourhood Plan Area

1.13 The plan area is that part of the Isle of Dogs south of the Canary Wharf business district, which occupies a loop in the River Thames in Tower Hamlets; it largely comprises former docks, new and established communities, as well as areas regenerated by the London Docklands Development Corporation (LLDC); significant areas of open water remain. The Isle of Dogs has had a history of relative isolation and then dereliction following the closure of the docks but in recent times has seen significant levels of development, mainly focused in and around Canary Wharf – which lies just to the north of the plan area – and is now the fastest growing place in the UK. It is also home to some of the tallest residential buildings in Europe.

1.14 The Isle of Dogs is a real island, with the Thames on three sides and water bodies (former docks) at the northern edge. There are very limited surface crossing points linking the plan area with the rest of London. This, together with the constrained geography of the Isle, limits movement. Public transport in and adjacent to the plan area includes DLR, underground, river bus and surface bus services. However, accessibility is patchy; some areas are very good, with high PTAL ratings; much of the southern parts of the designated area is rated with a PTAL of 2 or 3.

- 1.15 The Isle of Dogs (as a whole) is the fastest growing part of the borough of Tower Hamlets, which in turn is the fastest growing borough in London; indeed probably the country (for its size). Aspirations for the growth of the Isle of Dogs (as a whole) have been repeatedly revised upwards – from 3,500 homes in 2004 to 29,000 homes in 2018; Transport for London’s high-growth modeling assumed a “worst-case” scenario of 59,000 homes; some 19,500 homes already have planning permission.
- 1.16 Thus, the plan area is expected to grow very significantly over the plan period. The GLA Ward Atlas population forecasts estimate that from a 2011 Census base of 40,800 residents the population (of the Isle of Dogs as a whole) could reach 79,900 by 2028, three years short of the plan period. The GLA projections at Ward level (the two closest as an approximation to the northern part of the plan area – Millwall, Blackwall & Cubitt Town) suggest an increase from 2011-2031 of 106% and 163% respectively, compared to the rest of Tower Hamlets (33%) and Inner London (26%).
- 1.17 The Isle of Dogs has some of the highest concentration of tall buildings (over 20 stories) in the country and one of the tallest and most densely developed residential areas in Europe; the plan area has seen mainly residential towers. Many more towers in the wider area are planned, with (as at March 2019), some 84 tall buildings in the pipeline. The northern part of the Isle of Dogs, around Canary Wharf, is part of London’s Central Activities Zone and home to mainly employment uses, including office towers.
- 1.18 The area’s demographic composition in the lower density areas – using Island Gardens Ward as a proxy - indicates an age profile similar to the Borough’s, with a higher proportion of White and Other ethnicities, a higher proportion of owner-occupiers (and a lower percentage of social renters) and a higher proportion in employment (with higher qualification levels) than the Borough as a whole.
- 1.19 The plan area contains a range of social and leisure facilities, much of it delivered by the London Docklands Development Corporation (LDDC, which ceased in 1997). The facilities on the Island include sailing and water sports and youth facilities; schools were built, as well as medical centres, some public spaces and there was investment in transport.
- 1.20 Overall, the plan area is a place undergoing rapid change and increasing densification, processes that are posing a set of challenges to the local communities in relation to matching infrastructure investment, the impact of construction and the ability of the community to have the tools to engage with the decision-making processes on plans and applications.

2. Neighbourhood Plan preparation and public consultation

The Neighbourhood Development Plan

- 2.1 The plan is in nine sections, only four of which are formally part of the plan as a development plan document. Section 1, somewhat unusually, is a Glossary;

this includes definitions that also set out the Forum's own view on a number of matters, such as the Forum itself, Infrastructure Impact Assessment, PTALs, Public Landowners and Sustainable Development.

- 2.2 Section 2 sets out the community's vision and objectives, developed before the plan was embarked on, around an overall theme of: *"A liveable environment in which our diverse community can work, rest and play."* This section explains a core aim of the plan: *"... the need for large proposed 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"* (para 2.7). This statement drew objections from developers as it was read as an effective moratorium on approving any further residential development; and that the expression "allowed for" was misleading. The chapter then outlines the plan's multiple objectives (listed as 2.8.1 - 2.8.20).
- 2.3 Section 3 summarises the neighbourhood plan's ten policies, together with the remaining parts of the plan, which is in two parts: A Summary of the Annex Aspirations and a Summary of the Recommendation on CIL. Section 4 is the heart of the plan, setting out the plan's ten main policies, in seven main groups: Density, Empty Sites, Construction Management and Communication, Sustainable Design, Air Quality, 3D Model and Estate Regeneration Residents Ballots. There are no site allocations or Local Green Space designations proposed in the plan.
- 2.4 Section 5 forms an Annex, set out as two chapters: Estate Regeneration and Helping to Establish New Residents Associations. Each contain Annex Aspirations, which are expressed as non-land use policies. The subsequent sections seem to be structured as part of the plan itself: Section 6 sets out the Forum's priorities for the spend of funds raised under the Community Infrastructure Levy; three other sections, explain (7) the local community's desire to prepare a much more detailed plan – the "long" plan, this being the "Basic Plan" – and (8) the implications of a Parish or Town Council for the Isle of Dogs being pursued; finally, section 9, outlines the next steps.
- 2.5 The plan has no policies map, possibly because they don't lend themselves to being portrayed in this way. Historic England point out that the plan does not specifically address the potential impacts on the historic environment; however, they say this can be picked up in the "long plan".
- 2.6 There are two appendices: 1. Infrastructure Baseline Analysis; and, 2. Evidence Base document, which is itself in 12 sections, including additional Evidence for each of the policy groups and a Construction Map (showing the extent of current and permitted development across the whole of the Isle of Dogs). It includes (section 11) Counsel's Opinion about the Quick Plan, which I had already seen when examining that plan.

Strategic Environmental Assessment and Appropriate Assessment Screening

- 2.7 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC an SEA is required of plans and programmes which “determine the use of small areas at a local level”. The Borough Council as “responsible authority” determines if the plan is likely to have significant environmental effects. They determined, in a SEA and HRA Determination of 12th July 2019, that the plan would not require a Strategic Environmental Assessment nor an Appropriate Assessment.

Human Rights and European Obligations

- 2.8 I have no reason to believe that making the plan would breach or is incompatible with the European Convention on Human Rights or other EU obligations.

Plan period

- 2.9 The neighbourhood plan clearly states - on the cover, at para 4.2 and elsewhere - that it covers the period to 2031, which is co-terminus with the adopted Local Plan.

Excluded development

- 2.10 A neighbourhood plan cannot include policies for excluded development, such as minerals and waste. I have concluded that the plan does not do so.

Land Use Policies

- 2.11 A neighbourhood plan cannot include policies that are not concerned with the use or development of land. This was a particular issue with the Quick Plan; in that case I recommended, in line with Guidance, that such material be moved to an Annex. This has largely been done in that the section is headed as such; however, it is embedded within the structure of the plan itself and the phraseology used within it means that, in many instances, the “aspirations” can too readily be interpreted as requirements or as a form of policy guidance.

Public consultation and responses to the submitted plan

- 2.12 The process of consultation on this, the Basic Plan, is essentially a continuation of that which began when the Forum started the process of formulating a neighbourhood plan, in 2014/15. The main efforts culminated in the submission of the previous “Quick Plan”, which I examined, and found to have engaged the local community fully.
- 2.13 The Forum started in late 2014 and The Resident’s Group had over 8,000 members by September 2017. From the beginning the Forum used social media extensively: the Facebook page had over 2000 reaches, Twitter 350 followers, the Email newsletter over 700 subscribers; Nextdoor, a local

communication website had over 400 members; and the Forum website averaged 235 unique visitors a week. The Forum engaged extensively through public meetings, workshops and with external networks (like New London Architecture). The Consultation Statement continues to list the range of surveys, meetings, stakeholder engagement events and other activities, as well as setting out how the Forum responded to representations and comments at the Regulation 14 stage of the Quick Plan.

- 2.14 The Consultation Statement on this, the “Basic Plan”, remains essentially the same as the previous version, with very limited updates on the steps taken by the Forum to engage the local community in their new plan. The only real points of engagement seem to be in the run up to publishing the Regulation 14 version. But I don’t see this as a failure of consultation given the long period of consultation and the extensive measures taken, leading to a neighbourhood plan that is essentially a revision of the one that was examined. Though it is notable that only one individual made any representations to this plan.
- 2.15 A total of 22 parties made representations to the submitted plan (including TfL twice). The parties raising substantive matters included: One Housing Group, Ashbourne Beech Property Ltd, Ballymore Group, Berkeley, Chalegrove Properties, Robert Ogden Indescon, Rockwell Property, Tide Construction, The Canal & River Trust, Port of London, the Greater London Authority, Thames Water and Tower Hamlets Council (who provided a most detailed critique and set of suggested drafting amendments). Most statutory undertakers, including the Environment Agency, Historic England, Natural England and National Grid had no, or no substantive, comments.

3. The Neighbourhood Plan in its planning context

National policies and advice

- 3.1 The neighbourhood plan must have regard to national policies and advice, contained in Ministerial Statements and guidance issued by the Secretary of State, and contribute to the achievement of sustainable development. Paragraph 16 of the National Planning Policy Framework (the Framework) sets the scene:

“Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;*
- b) be prepared positively, in a way that is aspirational but deliverable;*
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*

f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."

- 3.2 The Framework then explains, at para 29, in relation to neighbourhood planning that:

"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in strategic policies for the area, or undermine those strategic policies."

- 3.3 In relation to achieving appropriate densities, the Framework includes the following, at para 122:

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

c) the availability and capacity of infrastructure and services—both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;"

- 3.4 Planning Policy Guidance includes a range of guidance relevant to this plan; for example:

"Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. This should include the levels and types of affordable housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further guidance on viability is available." (Paragraph: 005 Reference ID: 41-005-20190509. Revision date: 09 05 2019)

- 3.5 The plan must give sufficient clarity to enable a policy to do the development management job it is intended to do; or to have due regard to Guidance. For example, the Guidance explains 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." (ref 41-041-20140306).

- 3.6 There has to be appropriate evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. The Guidance at ref 41-040-20160211 states:

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

A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body

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

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

- 3.7 The Guidance further explains what a neighbourhood plan should address:

“A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies (as outlined in paragraph 13 of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.

A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

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. (Paragraph: 004 Reference ID: 41-004-20190509. Revision date: 09 05 2019).

- 3.8 Also, in relation to Infrastructure considerations:

“A qualifying body may wish to consider what infrastructure needs to be

provided in their neighbourhood area from the earliest stages of plan-making (as set out in paragraph 102 of the National Planning Policy Framework) alongside development such as homes, shops or offices. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way.

The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan:

- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way*
- how any additional infrastructure requirements might be delivered*
- what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery*
- what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices*

Qualifying bodies should engage infrastructure providers (eg utility companies, transport infrastructure providers and local health commissioners) in this process, advised by the local planning authority. (Paragraph: 045 Reference ID: 41-045-2019050. Revision date: 09 05 2019)

And: “What should a qualifying body do if it identifies a need for new or enhanced infrastructure?”

A qualifying body should set out and explain in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan”. (Paragraph: 046 Reference ID: 41-046-20140306)

- 3.9 The Basic Conditions Statement (BCS) sets out how the policies in the Neighbourhood Plan comply with the Basic Conditions and legal requirements. It sets out, in tabular form, how the plan has regard to national policies and how it contributes to sustainable development, and contributes to economic and social sustainability and how the plan contributes to the environment.
- 3.10 The neighbourhood plan must be in general conformity with the strategic policies of the development plan for the area. The development plan comprises: The London Plan and the Tower Hamlets Local Plan 2031.

i. London Plan context

- 3.11 The London Plan (LP) is part of the development plan. In one sense all LP policies are strategic; but not all are directly relevant to the plan. The Basic Conditions Statement notes that in the adopted London Plan the plan area is within the Isle of Dogs Opportunity Area (OA); and that the LP plans for a minimum of 10,000 new homes and 11,000 extra jobs in the OA. The Housing SPG is noted and referenced.

- 3.12 The draft London Plan has moved on since the preparation of the neighbourhood plan. The *Intend to Publish London Plan 2019* is at a very advanced stage having been examined and with the Panel Report published. It is currently with the Secretary of State. It thus carries significant weight, a point the Council and a number of representations make. The GLA have also confirmed that they consider the neighbourhood plan to be in general conformity with it. It is therefore pertinent to highlight a number of key policies that are relevant to the neighbourhood plan, not least in highlighting the importance of the Isle of Dogs to securing a very significant contribution to London's housing supply and achieving the raised housing targets for the Isle of Dogs. The draft London Plan housing targets for the whole OA - larger than the plan area - is now 29,000 homes, with a target of 110,000 new jobs.
- 3.13 The draft LP contains a very relevant policy in relation to density and the delivery of infrastructure, a core concern of the neighbourhood plan:

Policy D2 Infrastructure requirements for sustainable densities

A The density of development proposals should:

- 1) consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels
- 2) be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services)

B. Where there is currently insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean that if the development is contingent on the provision of new infrastructure, including public transport services, it will be appropriate that the development is phased accordingly.

C. When a proposed development is acceptable in terms of use, scale and massing, given the surrounding built form, uses and character, but it exceeds the capacity identified in a site allocation or the site is not allocated, and the borough considers the planned infrastructure capacity will be exceeded, additional infrastructure proportionate to the development should be delivered through the development. This will be identified through an infrastructure assessment during the planning application process, which will have regard to the local infrastructure delivery plan or programme, and the CIL contribution that the development will make. Where additional required infrastructure cannot be delivered, the scale of the development should be reconsidered to reflect the capacity of current or future planned supporting infrastructure.

- 3.14 The draft London Plan no longer contains the density matrix at Table 3.2 of the adopted plan; rather, the new policies promote a less mechanistic

approach, through Policy D3: Optimising site capacity through a design-led approach. The supporting text explains that: “A *design-led approach to optimising site capacity should be based on an evaluation of the site’s attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site.*” (para 3.3.2)

3.15 Other relevant policies include:

- **Policy D4 Delivering good design** [which includes a section on 3D modeling]:

B Where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.
- **Policy H3 Meanwhile use as housing** [including:]

A Boroughs are encouraged to identify opportunities for the meanwhile use of sites for housing to make efficient use of land while it is awaiting longer-term development.
- **Policy H8 Loss of existing housing and estate redevelopment** [this policy includes:]

D Demolition of affordable housing, including where it is part of an estate redevelopment programme, should not be permitted unless it is replaced by an equivalent amount of affordable housing floorspace. Affordable housing that is replacing social rent housing must be provided as social rent housing where it is facilitating a right of return for existing tenants. Where affordable housing that is replacing social rent housing is not facilitating a right of return, it may be provided as either social rent or London Affordable Rent housing. Replacement affordable housing should be integrated into the development to ensure mixed and inclusive communities.
- **Policy S1 Developing London’s social infrastructure**
- **Policy S3 Education and childcare facilities**
- **Policy SI 1 Improving air quality**
- **Policy DF1 Delivery of the Plan and Planning Obligations**

3.16 The strategic planning of the Opportunity Area is intended to be taken forward by the Isle of Dogs & South Poplar Opportunity Area Planning Framework

(OAPF), which has recently been adopted. The OAPF is divided into five main zones, two of which – Canary Wharf and South Poplar - are outside of the neighbourhood plan area. The remaining three are expected to take most of the anticipated housing growth – as set out in the DIFS (see para below): South Quay (under the low and high growth scenario, this zone could deliver the largest proportion of tested housing growth - 32% or 33%); Crossharbour (under the maximum growth scenario, this zone could deliver the largest proportion of residential development - 30%); while Island Gardens – the most southern and lowest density sector - only accounts for less than 2% of the growth tested).

- 3.17 The OAPF does not comprise formal policies but a series of recommendations to promote delivery of the scale of growth and the necessary supporting infrastructure outlined in the document. The OAPF is supported by a Development Infrastructure Funding Study (DIFS) 2017, prepared by consultants. At the time of the last examination the OAPF and DIFS were only made publicly available the evening before the hearing, which contributed to the fatal flaws in the Quick plan. The study provides a very detailed set of costed projections of infrastructure needs and outlines the actions needed to maximize the funding available; though a significant shortfall has been identified. The consultants conclude that: *“Development at Isle of Dogs and South Poplar is of such a scale that planning authorities will need to cover a huge range of very detailed issues and make good decisions in little time.”* (Para 8.1). A series of steering groups is recommended to help achieve this, however, in practice no such series of bodies or processes are in place as envisaged. Their absence presents a set of considerable challenge to the local community - in relation to matching infrastructure investment to the scale and densification of development, the impact of construction and the ability of the community to have the tools to engage with the decision-making processes on plans and applications.

ii. Local Plan

- 3.18 The Borough has a new Local Plan - **Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits**, adopted in January 2020. This plan is supported by an Infrastructure Delivery Plan (IDP). The Basic Conditions Statement explains that the Forum was able to take account of the draft stage as well as with conformity with the Core Strategy and Managing Development DPD. The implications of the growth planned for in the Local Plan are set by text in para 3.1 of the Local Plan:

3.1 Population growth will demand more homes and jobs and will significantly impact on existing social and physical infrastructure, including schools, healthcare, open spaces and leisure facilities as well as less visible but very important infrastructure, such as utilities and telecommunications. New delivery models and locations will be required.

- 3.19 The Local Plan explains, at para 32.2, that most policies are strategic (only five are stated as not). Particularly relevant policies that I have picked out are:

- S.SG2: delivering sustainable growth in Tower Hamlets

- D.SC4: Planning and construction of new development
- S.DH1: Delivering high quality design
- D.DH7: Density
- S.CF1: Supporting community facilities
- D.ES2: Air quality
- D.ES7: A zero carbon borough
- D.TR4: Sustainable delivery and servicing; and
- The site allocations in the plan and the Delivery Guidance for each.

3.20 I have set this all out fairly fully as the neighbourhood plan says very little about the area's strategic importance to the delivery of new homes in London and quotes very little of the strategic planning context for its own policies; it is, after all, intended as a development plan document in its own right (and see Framework 16 (d)). Whereas, there is actually significant strategic planning policy support for what the plan seeks to do.

3.21 Therefore, I have concluded that while the neighbourhood plan can be seen to be in general conformity with the strategic policies of the development plan for the area, it needs to a) be modified where some policies are potentially undermining of the strategic objectives; and b) recognise the strategic planning context much more overtly, in order to meet the basic conditions. To do this I will be recommending some drafting modifications and suggesting how the omission of this important contextual piece could be remedied.

4. Overview

4.1 There was a fundamental difficulty with the "Quick Plan" in relation to the lack of infrastructure evidence to support a central thrust and policy of the plan. This has now been overcome by the progress made on strategic planning policy and the supporting infrastructure assessments and plans – the new London Plan, the adoption of the OAPF (and its supporting DIFS) and the Local Plan (with its own IDP). There remain issues around drafting and the use of the Forum's own infrastructure assessment, as I outline later.

4.2 The other main difficulty with the "Quick Plan" was the extent of policies that were not concerned with the use or development of land and which, if they had been removed, left little of substance in the plan. Overall, this problem has not gone away, notwithstanding that the transfer of much of the material into an Annex, given the way they are expressed and within the main body of the plan. I deal with this as the relevant policies and plan sections arise.

4.3 Overall, there is nothing approaching a fatal flaw in this (the Basic Plan); though a new and unexpected issue has appeared: its usability as a development plan document. The highly complex paragraph numbering system makes it difficult to keep track of some sections and future referencing will be very cumbersome; for example, each policy and its components are numbered and in some places the paragraph numbering of supporting text rises to 6 digits. This issue has been picked up by quite a few representations; though it was a problem of my own making, in suggesting (as part of an annex to my earlier report), that all paragraphs needed numbering!

Unusually, I **recommend** all the current numbering be replaced by a much simplified system, including its removal from all policies, to achieve the clarity required of a development plan document.

- 4.4 Some other general issues also need rectifying: First, the introduction of a Glossary which includes definitions that are effectively advocacy – that seek to set out the Forum’s own view on a number of matters, such as the Forum itself, Infrastructure Impact Assessment, PTALs, Public Landowners and Sustainable Development. These variations are unsupported by any evidence; however, deletion of a section leaves the glossary incomplete. The inclusion of a glossary is, in any event, unnecessary as the range of development plan documents already cover them.
- 4.5 Second, there is an absence of any contextual section that sets the scene for what follows in the plan; this would be very helpful, to provide a the strategic planning policy context that also makes sense of the plan’s policies. However, its absence does not fail to meet the basic conditions. Section 1 of Appendix 2 of the Evidence Base – Context: Why we need a Plan – could be most usefully deployed in the plan itself, for example, to act as an introduction to the reasons for having a plan and for the strategic planning context – a point made by the GLA. But this is only a suggestion.
- 4.6 Third, the Appendices are not necessary for the functioning of the plan as a development plan document – indeed App 1 is potentially confusing and undermining of the strategic infrastructure evidence and context – and see my paras 5.5/6; and App 2 will get out of date rapidly; they should be removed. They are supportive and can be safely detached and retained separately as part of the website archive of supporting material. I deal with Appendix 1 – Infrastructure Baseline Analysis – which is introduced in para 4.4.4 of the plan, when I come to Policy D1.
- 4.7 I therefore **recommend** that section 1 – Glossary – be deleted. It could be replaced by a new section 1 – Context - comprising section 1 of the Evidence Base, as suggested above, followed by some new text (see suggestions in my edited version) covering the strategic planning policy context. Further, I **recommend** that both Appendices be removed from the plan. These can be available for reference on the Forum website, much as the evidence base for the Local Plan is on the Council’s website.
- 4.8 Section 3 - Summary - is problematic. It is stated as “for information only” but contains a number of confusing statements. Some are effectively advocacy regarding CIL spend. Others seek to upgrade the aspirations to almost material considerations; for example: “*They should therefore be taken into account by developers in putting forward relevant proposals*” (para 3.3). Elsewhere the status is not clear, for example, what “*constitutes the community’s formal recommendations to the Council*” on the spend of CIL (para 3.4). Further it explains (para 3.4.2) that: “*LBTH should take note of this and weigh it accordingly when determining planning applications of CIL generated in the area ...*” Placed within the body of the plan and ahead of the main policy sections these statements are very confusing; indeed, they are

inappropriate as they go beyond the use and development of land and do not comply with the basic conditions. I therefore **recommend** that paragraphs 3.1 to 3.4.2 be deleted.

- 4.9 The remainder of section 3 is a set of summaries, in three parts: The plan's Policies; the Annex Aspirations; and the Recommendation. These will need some editing in order to match the modifications recommended in this report; and may better be placed at the end of the Vision and Objectives section. I **recommend** the consequential changes, as set out in my edited version.
- 4.10 Finally, I have found that the sheer number of minor drafting changes - necessary to bring the whole of the plan into a consistent and clear whole, including supporting text, to meet the basic conditions, particularly Framework 16 (d) – that plans must: *contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals* - has meant that I have taken the unprecedented step (for me) of editing the whole plan, including making the recommended modifications that this report explains. This has been a complex exercise. My remit is strictly limited and I have strived to not stray beyond those limits; the only exceptions are my suggestions for a context chapter, which are not recommendations, and the formatting of the final chapters as part of the Annex.
- 4.11 An edited version of the neighbourhood plan, in tracked changes, containing my recommendations is attached, as a PDF; a Word version will be made available to the Council, as they take my report forward. I **recommend** that this is the version of the plan that is taken forward.

5. Density and impacts on infrastructure

- 5.1 The first pair of policies in the plan concerns the impact of high density development on the area's infrastructure provision and, in particular, to secure the core of the local community's original visions statement: "*... the need for large proposed 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*" (para 2.7). It does this in two ways: by requiring an up front assessment for large developments; and ensuring particular factors (from the GLA Housing SPG) are fully considered so that the impacts can be either mitigated or the application would be considered unacceptable.

Policy D1 Infrastructure Impact Assessments

- 5.2 This policy is in five parts. It requires an assessment to be submitted with all Major and Strategic applications; this has to include cumulative impacts. Where the assessment indicates that there is sufficient capacity to support the proposed densities it will be supported; where capacity is insufficient then potential improvements need to be assessed and proposed; where development is contingent on the provision of new infrastructure the development should be phased accordingly; but where the impacts cannot be

mitigated the development would be considered unacceptable.

- 5.3 This policy was the focus of objections from those parties who are actively developing housing in the Isle of Dogs. They felt it was too onerous and there were considerable concerns about the appropriateness of such a policy in principle – not least due to the policy frameworks in place and given the need for a whole range of studies to support large-scale applications - as well as with its operation in practice, particularly the potential for “double-dipping” given the operation of CIL in the plan area. They point out that the policy makes the delivery unreasonably reliant on other bodies. The GLA considered that the policy could compromise the delivery of the London Plan in relation to the Opportunity Area. An objector felt it could render development unviable and significantly reduce affordable housing delivery; and introduces a complicated and time-consuming analysis of other consented/undeveloped schemes.
- 5.4 There is considerable national and strategic policy support for the plan’s general approach, however. For example NPPF para 122 (c), new London Plan Policy D2 and Local Plan Policy D.DH7, not that this comes though very well in the plan – hence my earlier recommendation that this omission be rectified. But the policy, as worded, goes further and can be, as a number of representations express, be seen as undermining strategic policy; even as a moratorium on development where the capacity can only be provided by agencies outside the developer’s control. Indeed, the whole point of CIL funding is that it provides a build up of funding and over time on what are often complex and high-cost pieces of infrastructure. For example, draft new London Plan Policy D2 avoids an embargo, by including:

... if the development is contingent on the provision of new infrastructure, including public transport services, it will be appropriate that the development is phased accordingly. [D2 B (extract)]

And:

Where additional required infrastructure cannot be delivered, the scale of the development should be reconsidered to reflect the capacity of current or future planned supporting infrastructure. [Policy D2 C (extract)]

- 5.5 The neighbourhood plan introduces the Forum’s own infrastructure evidence at para 4.4.4.1 in the form of an Infrastructure Baseline Analysis (IBA) dated April 2019, as the plan’s Appendix 1. This is a set of tables, not all complete, with little or no narrative in the Appendix itself (the supporting material is in the Evidence base, Appendix 2), covering a wide range of topics. The plan envisages it being regularly updated, possibly by the Council. While it is not specifically referenced in the operation of the policy, the purpose is explained in the supporting text (4.4.4.3): The submitted Infrastructure Impact Assessment must explain and justify “... *the impact of their proposal against the then current Infrastructure analysis* ...”.
- 5.6 The difficulty is that the IBA evidence is incomplete, has not been verified or

corroborated by GLA or LBTH officials, albeit much comes from those sources; nor can it be matched with the extensive studies that underpin the OAPF and Local Plan and so is not capable being part of an effective development management tool. Its inclusion in the effective operation of the policy I regard as being unjustified and confusing. Accordingly, I **recommend** that Appendix 1 be removed from the plan and that any references to it in the supporting text make clear that it is for information only. It can be moved to the Forum website as a reference for its own evidence base.

- 5.7 The drafting of the policy needs to avoid creating an embargo. It also needs to apply to the appropriate level of development, as it currently applies to all Major and Strategic developments, irrespective of the land-use. The Forum explains that it is intended to apply to mainly housing and hotel developments. Representations focused on the threshold. I am persuaded that the plan's approach is too broad and too all encompassing without the robust and proportionate evidence to justify it. The Council and the Forum have been in recent discussion on how the drafting of the policy might be modified and their suggestions to me have been posted on their websites; this focused on housing schemes with a density threshold.
- 5.8 The draft London Plan (Policy D3 for example) does not have any thresholds, while the newly adopted Local Plan (at D.DH7) uses the density matrix from the adopted London Plan. It seems to me, and the Council agree, that in this case it is reasonable to use the top end of the adopted London Plan density range – 1,100 hr/ha – as the appropriate threshold; and to apply the policy to only housing schemes. This also links it to the next policy; and a number of representations suggested that there was merit in simplifying the effect of the two policies by combining them. So I now turn to Policy D2 before considering appropriate modifications.

Policy D2 – High Density Developments

- 5.9 The policy requires residential developments exceeding the threshold (1,100 hr/ha, in in locations with a PTAL of 5 or less) to comply with the GLA's Housing SPG and to be of high design quality. Objectors have raised concerns about the definition of PTAL in the Glossary, which I agree with and have dealt with earlier. A number of representations were critical that it was linked to the adopted London Plan's density matrix; the general suggestion was to use the more flexible approach in the new Plan (as in D3). The GLA *"... 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 ..."*.
- 5.10 On balance, I consider that it does provide an appropriate threshold, as it is for a particular purpose and is linked to two adopted development plan policies. It is therefore perfectly legitimate, in my view, for the plan – given the particular local circumstances – to adopt the approach it has, which I consider complies with the Basic Conditions.
- 5.11 It has also been pointed out that the GLA SPG covers a far wider range of

issues than the ones identified in the supporting text; and that the two paragraphs identified in Footnote 17 is actually the focus of the policy. It should therefore simply reference paras 1.3.51/52. Some objectors raised the point that a neighbourhood plan cannot raise SPG to development plan policy; and that the SPG may be superseded soon anyway. I don't agree that it cannot be referenced within the policy, given local conditions, and as what is being done is to use an appropriate reference to relevant factors.

Recommended modifications

- 5.12 I have taken the suggestions from the Council and Forum into account and, in the light of my conclusions above, I **recommend** that Policies D1 and D2 be modified as follows:

Policy D1 – Infrastructure Impact Assessment

- 4.4.2.1 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.
- 4.4.2.2 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.
- 4.4.2.3 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, having regard to 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.
- 4.4.2.4 If the proposed development is contingent on the provision of new or enhanced Infrastructure (including, without limitation, public transport services), the development should be phased accordingly.
- 4.4.2.5 Infrastructure impacts will be considered unacceptable where they result in negative impacts that cannot be adequately mitigated through CIL contributions and/or planning obligations.

Policy D2 – High Density Developments

- 4.4.5.1 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.

- 5.13 The supporting text will require some consequential modification, which I deal with in tracked changes, see the edited version.

6. Empty Sites

- 6.1 **Policy ES1 – Use of Empty Sites** - seeks to encourage “meanwhile” uses on empty or under-utilised sites, a significant issue in this area with so many development sites – see construction map in section 12 of the Evidence Base. The plan gives a number of examples, in an area subject to considerable development pressures. It does not, however, provide any strategic policy context for the policy, even though new London Plan Policy H3 encourages meanwhile uses for housing, for example.
- 6.2 However, the policy, which is long and complex in its drafting, is not clearly written and does not provide an effective incentive to developers; as drafted it could do quite the opposite. The issues raised by a number of representations included the potentially onerous and prescriptive nature of this policy and its sheer practicability. Nevertheless, the principle of the policy was generally supported with many representations seeking improvements and clarification in the drafting – for example, allowing a longer period of six months (12 or 18 months were suggested as more realistic timeframes); and ensuring that a meanwhile use didn’t trigger commencement of the primary development and thus any obligations, including S106 and CIL payments.
- 6.3 The latter point could be overcome by ensuring the mechanism for operating the policy is not linked to the main development’s Construction Management Plan; and so ensuring the two schemes were permitted separately. The Council was supportive of extending a planning permission to five years where reasonable endeavours have been made to secure a meanwhile use.
- 6.4 The list of seven meanwhile uses is listed in order of priority. However, the plan does not provide sufficient evidence to justify expressing it in that way; in any event different sites will lend themselves to different potential uses. As with the Quick Plan this should be a list of suggested potential meanwhile uses. The Council objected to the inclusion of affordable housing; but new London Plan policy specifically encourages meanwhile housing.
- 6.5 To overcome these points and to achieve the purposes of the policy with sufficient clarity of expression the policy will require extensive re-drafting. I have had regard to various changes suggested in the representations but have found the Council’s comments the fullest and the most considered in the round – see Table 4 of LB Tower Hamlets’ representations. I therefore **recommend** that the policy be modified as set out in Table 4, with the exception of the deletion of housing as a listed use. The supporting text will consequently require some re-writing – see my edited version.

7 Construction management and communication

- 7.1 Construction impacts are a very significant issue in the plan area; the effects of construction disruption – largely due to the large number of developments occurring in such close proximity - are well set out in the Evidence Base. The Local Plan, the OAPF and its supporting DIFS all highlight the significance of the impacts of construction on local communities and the need for local co-ordination. However, as I noted in my examination report into the Quick Plan, at present there is no effective co-ordination process or body (unlike during the Olympics construction period), which leaves the local community vulnerable to the cumulative effects of un-coordinated movements. On the other hand, many objectors considered these policies were inappropriate given the procedures already in place and should be deleted as they represented unnecessary duplication.
- 7.2 **Policy CC1 - Construction Co-ordination** - requires construction companies to consult with the local community on material changes to a construction management plan; and in advance. The community's concern is that the standard approach wasn't felt to be working. The Council only suggested clarification in the supporting text on how this policy would operate in practice, in line with the Council's Statement of Community Involvement. The supporting text suggested that the application of the policy required minuted discussions with local councilors, which I regarded (as did the Council) as unwarranted and unjustified. I therefore **recommend** that the supporting text at para 4.6.4.1.1 be modified in accordance with Table 5 in the Council's representations.
- 7.3 **Policy CC2 - Construction Communication** - extends the scope of CC1 to include notification affected local residents of working hours or other conditions. The Council supports the policy. As for CC1, I **recommend** that supporting paragraph 4.6.7.2 also needs clarifying in terms of how the policy would operate in the context of the Council's Statement of Community Involvement, as per my edited version.
- 7.4 **Policy CC3 - Control of Dust and Emissions During Construction and Demolition** - seeks compliance with the GLA's Dust and Emissions SPD in that its requirements should be specified in submitted construction management plans.

8 Sustainable design

- 8.1 **Policy SD1 - Sustainable Design** - applies to all Major and Strategic developments and seeks to ensure that BREEAM Excellent ratings are achieved through a publicised pre-assessment; the policy also requires application of the Home Quality Mark. The introduction quotes NPPF para 124 and the particular local circumstances – home to some of the country's tallest and densest buildings; but it seems that the main reason for its inclusion is that the policy was in the (then) Draft Local Plan; also the Council was encouraging schemes to use the Home Quality Mark. The policy is the same as in the Quick Plan.

- 8.2 The strategic planning policy framework has moved on since the Quick Plan; for example, new London Plan Policies D4, D5, D6 and Local Plan Policy D.ES7, already cover the essential planning requirements of this policy. National policy is to avoid unnecessary duplication in policy. Further, the WMS of 25th March 2015 prevents requirements of standards other than the Building Regulations and the optional technical standards, which suggests that the application of the Home Quality Mark and to “non self-contained residential accommodation” is inappropriate. Thus, it does not comply with the Basic Conditions as currently drafted. A number of representations made much the same points.
- 8.3 The Council noted that, given the density of development on the Isle of Dogs, the application of the Home Quality Mark - and the inclusion of non self-contained residential accommodation - could be appropriate if the Forum provided appropriate evidence to justify it. I’m not convinced they make a sufficiently robust case as to why the whole of the plan area is sufficiently distinct for the inclusion of these elements to be included in a land use planning policy, given the huge variations in density and spread of tall of buildings (mostly concentrated around South Quay, in the northern part). Nevertheless the area’s circumstances are unusual and I can see a case for encouraging the application of higher standards.
- 8.4 Therefore, to avoid the extent of duplication with higher-level policy, but to recognise the merits of the Home Quality Mark in the plan area, an approach the Council supports, I **recommend** that the policy be modified to read as follows:

Policy SD1 – Sustainable Design

To support sustainable development in the plan area all Major and Strategic Developments are strongly encouraged to meet the highest levels of design and environmental standards; including:

- For non-residential buildings: the BREEAM Excellent standard; and
- For residential buildings: the Home Quality Mark.

9 Air Quality

- 9.1 **Policy AQ1** is concerned with protecting air quality by avoiding the harmful impacts of air pollutants. It is in four parts, with a base requirement to meet World Health Organisation (WHO) guidelines. The supporting text explains that air quality is a major concern locally and that the area has a number of significant nearby sources, such a London City Airport and major roads (Aspen Way, to the north) and the Blackwall Tunnel. These are shown on Local Plan Fig 14; this also shows that the main circular road route is also a source (albeit less intense). The supporting text also quotes NPPF para 170 as the national policy context. The policy follows an approach taken by the Knightsbridge Neighbourhood Plan.

- 9.2 The strategic planning policy context has, as with other topics, also moved on since the preparation of the plan. For example, new London Plan Policy SI 1 (Improving air quality) requires all development proposals to be air quality neutral; Policy SI 2 (Minimising greenhouse gas emissions) requires all Major developments to be net zero-carbon; while Local Plan Policy D.ES2 (Air Quality) has an extensive list of requirements that apply to all major - and some other types of - development. A number of representations have understandably argued that the policy represents unnecessary duplication.
- 9.3 The evidence does not provide robust support, in my view, for the application of the Knightsbridge approach, as the geographic circumstances of the two plan areas are very different, with Knightsbridge being a uniformly densely developed inner urban area with very high traffic volumes across much of its area on an extensive road network.
- 9.4 The drafting of the policy is, in any event, problematic. For example, WHO guidelines are not recognised in UK law; nor is there a definition of what a “significant” increase might be considered to be. The reference to all flues terminating above roof height is not applicable to all types of development. The Council also points out that the policy confuses two distinct issues: air quality and climate change. They say that if references to climate change are removed then they would like to express their intention to work closely with the Forum to prepare a more effective climate change policy for inclusion in their intended “long plan”.
- 9.5 Overall, I conclude that the policy represents unnecessary duplication and I **recommend** that it should be deleted; it follows that the supporting text needs to be deleted too. However, to retain the structure of the plan, as Air Quality will no longer contain a policy, I suggest that this whole section be transferred to the Annex, including a statement regarding the Council’s commitment on the “long plan”. The deleted policy could be re-expressed as an aspiration.

10. 3D Model

- 10.1 **Policy 3D1 – 3D model for applications** – requires all applications for Strategic Developments to be supported by a 3D model. The model is to also enable the Council’s own model to be updated and to show the layout of buildings (where it assists emergency services or interested parties); and for such information to be updated as part of any revisions to the scheme.
- 10.2 The plan references the GLA’s “City in the East” document and approaches taken by other boroughs. The Council supports the policy and explains it relates to requirements that already in operation. Many representations argue that the policy is too onerous; and that the requirement for internal layouts is excessive. They also point out that there can be issues with copyright and to access to 3D products and services
- 10.3 The strategic policy context is supportive of the plan’s approach; for example, new London Plan Policy D4 (delivering good design) includes the following:

B Where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.

- 10.4 The Council explains the plan's requirements are in line with their validation practice. The evidence in favour of making mandatory the use of 3D models in the application process for the larger developments, in the circumstances of the Isle of Dogs, is persuasive. While the benefits of showing the interiors of tall building for other purposes is recognised, making it a requirement to display internal layouts I regard as excessive, given the prime purpose of 3D modeling and the nature of the area-wide modeling into which individual models will fit. I therefore **recommend** that the policy be modified as follows:

Policy 3D1 3D Model for applications

All applications for Strategic Developments must be accompanied by a 3D model and in a form that is compatible with the model used for assessment as part of the development management process.

- 10.5 The supporting text will require some consequential changes; see my edited changes.

11. Estate regeneration resident ballots

- 11.1 **Policy RB1 – Resident ballot requirement** - seeks to secure for the current occupiers of local estates a greater degree of control and protection over their homes – primarily through a voting mechanism - than would otherwise be possible under conventional development plan policy. Estate regeneration is a controversial issue locally and the plan gives some examples. It also explains why the Forum believes that resident ballots are necessary.
- 11.2 There was a similar policy in the Quick Plan – though it was accompanied by a suite of other policies (material now found in the Annex) that were much more extensive; and it remains controversial. In my earlier examination report I concluded that, whatever their merits in terms of good practice for estate regeneration, they were not policies concerned with the use and development of land; nor did they meet the Basic Conditions or the legal requirements, and I saw no place for them in the body of the plan. I suggested they could form an extended Annex, as advocacy. In effect this is what the Forum has done – and see my conclusions on that section, later - while taking up a suggestion of the Council as to how to retain the ballot element as land use policy.
- 11.3 The approach being taken is that, in order to capture what would otherwise be a non-land-use policy requirement, the policy requires applications for estate regeneration schemes to apply for GLA funding, which in turn requires a resident ballot to be held. The practical outworking of the ballot process is set out in considerable detail as part of the Annex – aspirations that are not a

formal part of the plan, as they are not land use policies. Given that the GLA model is referenced it is very confusing, and contradictory, to have another set of prescriptive requirements set out as “aspirations”, though read as requirements.

- 11.4 The focus of objections to the policy is on the four estates in the plan area owned and managed by One Housing - though the same issues could apply to the other three main estates in the area. They felt that all the aspirations should be moved out of the main body of the plan – see section on the Annex, later.
- 11.5 The Council supported the approach in principle - indeed suggested a policy of this kind at the Regulation 14 stage – but had very extensive comments about the drafting of the policy and its relationship to the provisions in the Annex.
- 11.6 The draft London Plan Policy H8 (Loss of existing housing and estate redevelopment), which I quoted earlier (at 3.15) provides the strategic planning context and does not take quite the same approach. The supporting text explains:

“4.8.4 Regardless of whether an estate regeneration project includes the demolition and replacement of affordable homes, it is important that all such schemes are delivered with existing and new residents and communities in mind. All proposals for such schemes should take account of the requirements of the Mayor’s Good Practice Guide to Estate Regeneration (2018) and the requirement for a ballot of residents when accessing Mayoral funding for schemes that involve demolition.” [my emphasis]

- 11.7 I consider that to comply with the Basic Conditions the policy cannot *require* a ballot but only encourage one. The suggested way of dealing with this, in the Council’s proposed amendments – see Table 7 of their representations – commends itself to me. Taking all these points into account I **recommend** that that the policy and supporting text be modified as per Table 7 of the Council’s representations.
- 11.8 The Council suggests that much of the related Aspirations in the Annex be deleted – see later. They explain that if that suggestion is taken forward – and on the basis that the Forum would still wish to see encouragement for estate regeneration in the way they do – then much of the supporting text could be moved to support this policy. I have not taken up this suggestion but edited the text in the Annex.

12 The Annex

- 12.1 The plan flows directly from planning policies into section 5, which the text explains are Aspirations, and which do not form part of the plan (para 5.1). Paragraph 5.2 quotes the Guidance (para 41) regarding the place of community aspirations. Having said that the text also explains that: *“They should therefore be taken into account by developers in putting forward*

relevant proposals ...". Elsewhere, statements like "*For the avoidance of doubt, the Annex Aspirations are intended to be additional to Policy RB1 ...*" (5.3.1.2.1) give a message that the Annex is to be applied as part of the policy.

- 12.2 Objectors considered that as written the aspirations present as material considerations to guide future development, quoting para 5.3.4.1 as an example; and that the Annex presents a step beyond advocacy into guidance. One Housing felt that all the aspirations should be moved to an annex/appendix rather than retaining the text in the main body of the plan, as it does, and by simply renaming the section. They provided some detailed suggested amendments to section 5 of the plan.
- 12.3 The approach taken in the plan gives, in my view, a confusing message to users of the plan; as does the framing of aspirations that follow, many of which are described as "provisions" – even "requirements" – and the framing of each aspiration in the same way graphically as policies (in a box). A number of representations consider that the drafting needs to make it clear that these are not quasi-policies. While such an Annex, not forming part of the plan, would normally be outside the scope of the examination, in this case the way it is framed – and much of the content – does require my intervention to ensure the plan as whole meets the basic conditions.
- 12.4 Therefore, in order to meet the Basic Conditions and to achieve the clarity required by Guidance, I **recommend** that the Annex be moved to the end of the plan document and that the text be modified, in all cases, to replace "provisions" or "requirements" with "aspirations" and to clarify elsewhere that the aspirations are not to be taken into account as part of the development management process. I have done this, for example by deleting some text and adding words like "The Forum advocates ...", in my edited version of the plan. The Annex needs to be quite distinct from the rest of the plan, to meet requirements of the Guidance.

Estate Regeneration

- 12.5 What is described as Annex chapter 1 deals with Estate Regeneration. Picking up the point I made earlier in 11.8, there is a need to resolve the relationship between these aspirations and Policy RB1 given the way the Annex is framed. It is essential that the latter be detached, to avoid any confusion in application; and indeed where there are conflicts. An example of this is the differences in procedure that are set out in the policy – reference to the Mayoral Guidance – and the very detailed provisions in **Aspirations ER1-3**. These aspirations are not likely to be adopted voluntarily and, as drafted, are unduly onerous (even if they were considered land use policies); and they already contain drafting that is confusing or unclear.
- 12.6 One Housing, with interests in four local housing estates comprising 2,100 homes, objected to the approach taken as I have already highlighted (at 11.4). The Council has given detailed consideration to resolving the issues that I have identified and I believe they do this in a way that I consider would meet

the Basic Conditions. In summary, they suggest that Annex Aspirations ER1, 2 and 3 be deleted in their entirety and in their place be added a second clause to Policy RB1 - see their para 63. In doing so, a considerable amount of supporting text will need to go.

12.7 **Annex Aspirations ER4, 5 and 6** deal with Right of Return, Tenants Rights and Costs and Leaseholder and Freeholder Rights. I agree with the Council's detailed comments on these – paras 65-68; in summary, they suggest that these aspirations should be deleted, with **Aspiration ER7** (dealing with the George Clarke Review) used to frame a set of general principles for estate regeneration. I **recommend** that Aspirations ER1-7 are modified in accordance with Table 8 of the Council's suggested amendments, with two exceptions: 1. Their first suggestion – in relation to paras 5.3.1 to 5.3.1.21, that they be moved to section 7: I have retained them and made appropriate edits within the Annex itself; and 2, in relation to their fifth suggestion – concerning the George Clarke Review – which I have deleted as these are unduly prescriptive.

12.8 **Annex Aspiration 8** deals with commercial premises affected by estate regeneration. Some representations point out that the rights of such leaseholders are covered by the Landlord & Tenant Act, which this policy seems to cut across, by requiring below-market rents. The Council is generally supportive. For clarity I **recommend** that the Aspiration be modified to be framed as advocacy and to qualify tenant rights.

12.9 **Annex Aspiration 9** deals with Public Profit Reinvestment. It seeks to recoup profits from public bodies for reinvestment locally. While this sits within the group of Estate Regeneration Aspirations, the Canal & River Trust are specifically mentioned in the supporting text; as is the Council in relation to stock transfer. The Trust, a charity, strongly object to the way they are depicted – for which no evidence is presented - and point out that their local investment has been significant in relation to the repair and maintenance of the water bodies in the plan area. The Council suggested that the Aspiration be deleted unless it is significantly re-worded. I believe it can be retained and I **recommend** that the offending references be deleted and that Aspiration 9 is framed as advocacy.

Helping to Establish New Residents Associations

12.10 Annex chapter 2 seeks to spread the benefits of having a Residents Association across a much wider sector. Again, this needs to be drafted as advocacy rather than a set of requirements (eg. “developers must”) and I **recommend** that the text be modified to be expressed as such, as per the modifications in the edited version.

Community Infrastructure Levy (CIL) Spending Priorities

12.11 The plan helpfully sets out, in section 6, the plan's priorities for spending CIL locally. Again, it will be helpful for the text to be slightly modified to make it clear that what is being proposed is advocacy. I **recommend** the very

minor modifications, as per my edited version. This chapter could remain as part of the main body of the plan but, given it is a set of recommendations, it may be better located as part of the Annex.

Long Neighbourhood Plan

- 12.12 Section 7 sets out the Forum's aspirations for preparing a fuller plan. This is essentially a further aspiration which could, in terms of the plan's structure, be most appropriately part of the Annex.

Parish/Town Council

- 12.13 Section 8 of the plan explains the implications of the process of establishing a Parish Council for their area. It neither commits nor sets out any intent to the establishment of a Parish Council. Again, in terms of the plan's structure, this section would be better located within the Annex.

Next Steps

- 12.14 Finally, section 9 sets out the next steps from the Regulation 14 stage. Once the plan is made sections 9.1-9.5 will no longer be relevant and I **recommend** they be deleted.

13 Referendum Area

- 13.1 The Forum have argued for a wider given the boundary of the plan area does not match ward boundaries or the area of their original consultation. They now suggest the referendum area be tweaked to reflect polling areas. Planning Practice Guidance on the Independent Examination explains:

"It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area."
Reference: 41-059-20140306

- 13.2 There are no formal development site allocations in this plan and in my view the nature and scale of what it proposes would not *have a substantial, direct and demonstrable impact beyond the neighbourhood area*. I recall from the hearing as part of the Quick Pan that the Council was able to accommodate the boundaries of the plan area. I therefore **recommend** that the Referendum Area be the same as the designated neighbourhood area, if the plan goes forward to referendum.

14. Conclusions and recommendations

- 14.1 Overall, from my examination of the submitted Neighbourhood Plan, together with the supporting documents, including having regard to all the representations made, I have concluded that, subject to the modifications that I am recommending, the plan will meet the Basic Conditions and the legal

requirements. I have set out my findings, in the Summary, on page 3.

14.2 In conclusion, I **recommend** that the Isle of Dogs Neighbourhood Plan should proceed to referendum. I further **recommend** that if the plan does proceed to referendum then the Referendum Area should be the same as the designated neighbourhood area

14.3 Finally, my thanks to both the Council and Forum for their support in undertaking the examination.

John Parmiter FRICS FRSA MRTPI

14 April 2020

Independent Examiner

www.johnparmiter.com

Isle of Dogs Neighbourhood Plan 2019 – 2031



~~This draft of The Isle of Dogs Neighbourhood Plan, which will (once adopted) have effect until 31st December 2031, is published following a Regulation 14 public consultation, for submission to Tower Hamlets Council.~~

~~Version dated: 11th October 2019~~

Examiner edited version: This document incorporates the recommended modifications by the independent examiner in the accompanying Report of the Examination.

14 April 2020

NB. These edits are not necessary exhaustive (eg changing every footnote reference), given the complexity of the editing process.

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Isle of Dogs Neighbourhood Plan – Examiner's Edits

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[this will need re-ordering and re-paginating]

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Section 2 – Vision and Objectives (with summary?)... Page 4

~~Section 3 – Summary...~~ Page 7

Section 4 – Policies... Page 8

End of Plan

Section 5 –

Annex...

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Section 6 –

A.1 Estate regeneration

A.2 New Residents Associations

Suggested as A.3 CIL Spending Priorities... Page 47

~~Section~~ Suggested as A.4 Long Plan... Page 49

~~Section~~ Suggested as A.5 Parish/Town Council... Page 50

~~Section 9 –~~ Page 51

~~Appendix 1 – Infrastructure Baseline Analysis~~

~~Appendix 2 – Evidence Base~~

[The use of simple paragraph numbering is recommended throughout – an example is used here]

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1 Insert an appropriate Context chapter?

[delete Glossary]

i. Why we need a neighbourhood plan

1.1 [suggest suitable opening text – eg. insert paras 1.1.1 to 1.2.1 from Evidence Base document as 1.1.1. to 1.10 or similar]

Suggest appropriate planning context, possibly along the following lines, in the same style as the rest of the plan;

ii. Strategic planning context

1.11 The Isle of Dogs (as a whole) is the fastest growing part of the London Borough of Tower Hamlets, which in turn is the fastest growing borough in London; indeed probably the country (for its size). Aspirations for the growth of Isle of Dogs (as a whole) have been repeatedly revised upwards – from 3,500 homes in 2004 to 29,000 homes in 2018; Transport for London's high-growth assumptions for a "worst-case" scenario is of 59,000 homes; some 19,500 homes already have planning permission. [add all references]

1.12 The Isle of Dogs is important to securing a very significant contribution to London's housing supply and achieving the raised housing targets for the Isle of Dogs. The draft London Plan housing targets for the Isle of Dogs Opportunity Area - larger than the plan area - is now 29,000 homes, with a target of 110,000 new jobs.

[other relevant references or text from the draft London Plan, OAPF and Local Plan could be helpfully added here.]

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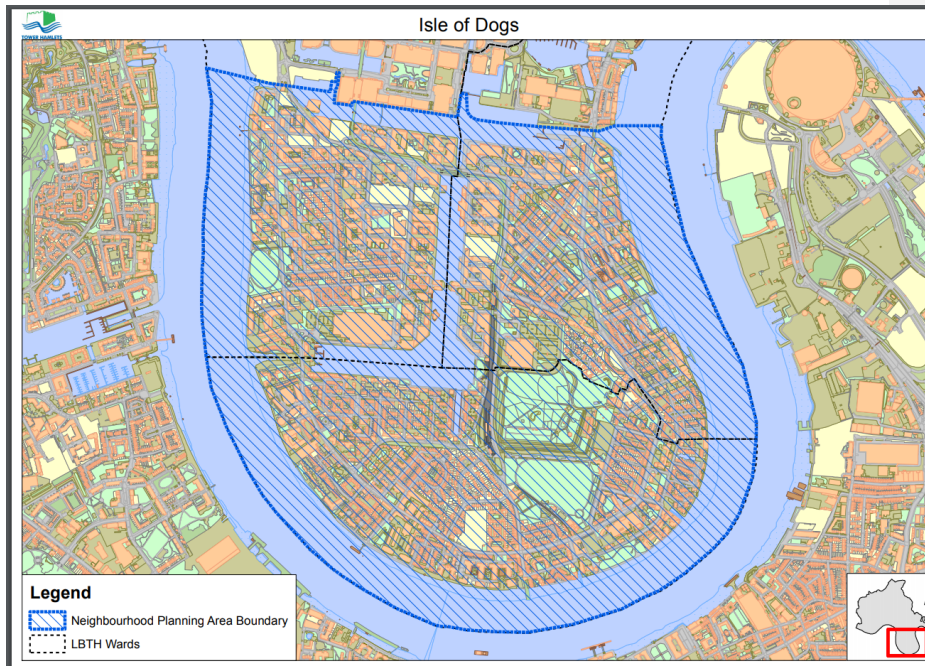
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- 2.1 The following vision and objectives were drafted by the Isle of Dogs community before embarking on the drafting of a formal Neighbourhood Plan. They do not form part of the statutory part of this Plan, and some of the objectives may well be delivered through other means, or have been adjusted following further consideration of the policies in the Plan. It is included here to provide context for the policies in the Plan, and to demonstrate the wider aspirations of the community.

“A liveable environment in which our diverse community can work, rest and play”

- 2.2 We the people of the Isle of Dogs believe that our island is a great place to live and work, but it is undergoing enormous change. We have come together to form a Neighbourhood Planning Forum for the Isle of Dogs to work collectively to produce policies which will guide the future development of our area.
- 2.3 The Isle of Dogs is more than just a dormitory for Canary Wharf. It should be a destination in its own right, with everything people need on a daily basis within walking distance, and where we can imagine enjoying living and working at all stages of our lives.
- 2.4 Our vision is of a relaxed, quiet, safe and secure home, that has the best of London on its doorstep, but uses its island location to create something unique and special. We want to maximise enjoyment of our very special access to the river and docks, and enhance and grow our green spaces. Our plans should work equally well for all residents regardless of age, income or other characteristics, and at any time of the day or night. We need to plan for the whole area to work together seamlessly.
- 2.5 Given the enormous scale of development, with the Isle of Dogs delivering a very large proportion of the GLA’s overall housing target for Tower Hamlets of 3,511 new homes every

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year³, making our island the tallest and most densely packed residential area in western Europe, we need a Plan that will ensure a high quality of life for all residents and workers – both those already here and those still to come – and with any re-development plans for existing homes fully involving the communities who already live there, empowering them to make active choices about their future.

- 2.6 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. Otherwise our island will become un-liveable: contrary to the interests of existing and prospective residents, of local businesses and their workers, and of developers.
- 2.7 The Isle of Dogs is a unique place requiring unique solutions, and we have the following key objectives (but these are not Neighbourhood Plan policies):
- Sustainable development that works for those already here, as well as for future residents and workers.
 - Infrastructure that is planned and delivered in advance of development, and is sized to cope with all future likely development, and is not delivered incrementally and in isolation.
 - Policies that address the construction process as well as afterwards.
 - A safe and secure environment which works for all age groups who live and work in our area.
 - A cohesive community that brings people together from across the island.
 - Sufficient indoor and outdoor spaces for people to enjoy, which are open to the public to use, including space where children can play, and everyone can relax.
 - An environment that works for everybody at different stages of their life; that works equally well for people with disabilities, the young and the old; and that caters to the different interests we have.
 - Ensuring that everything people need is within safe walking distance.
 - Quick, efficient and free-flowing transport options – whether cycling, walking, buses, DLR, boats or cars – all working together effectively.
 - Affordability of homes, living, businesses and leisure should be factored in at every stage.
 - A healthy, clean, and relaxed environment where it is easy and safe to exercise.
 - A mixture of different types of development: not just residential, but also offices, small businesses and workshops, creative spaces and independent retailers.
 - Exploit the best of new technologies to make our lives easier and safer, especially some of the new 'Smart Cities' technology; and ensure we have the networks to support growth.
 - Our Plan should work equally well at any time of the day or night, and on any day of the week.
 - When proposals come forward to replace existing residential buildings, existing residents should be fully involved in the decision-making process, with their rights

³ Reduced from 3,931 pa. London Plan, Policy H1 Increasing housing supply, Table 4.1

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Comment [1]: The way this is drafted (and given the section heading) it is read as part of the plan's vision and objectives and so I have taken it be such.

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Comment [2]: This is not consistent with national policy; or CL Regulations.

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protected, ensuring they have real choice and the ~~ability~~ opportunity to stay in their area affordably.

- Preservation of the assets we already have, including our docks, river access, historic buildings, green spaces, play areas and community facilities.
- Plan for the long-term delivery and execution of our vision once the Neighbourhood Plan has been adopted, which may include new forms of governance.
- Work closely with neighbouring forums to ensure our plans are synchronised.
- Beauty In My Backyard (BIMBY): not anti-development (NIMBY).
- Work collectively with Tower Hamlets Council, the GLA, Transport for London, developers and other stakeholders to deliver our vision for the long term. It is in all of our best long term interests that the Isle of Dogs continues not only to function, but also to flourish.

[Insert modified Summary section here; or retain as a separate section]

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SECTION 3 – SUMMARY

- This section is for information only.
- The provisions set out later in the section headed “Policies” are the Neighbourhood Plan policies which must be taken into account in determining planning applications within the Area.
- The provisions in the Annex to this Plan are community aspirations which represent the wishes of the Isle of Dogs community in relation to the developments to which they apply. They 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.
- The provisions set out later in the section headed “CIL Spending Priorities” comprise a recommendation to LBTH.
 - This does not have the force of a Plan policy. It sets out the Isle of Dogs’ community’s wishes as to how we want LBTH to apply all the CIL generated in our Area, and therefore constitutes the community’s formal recommendation to the Council.
 - LBTH should take note of this and weigh it accordingly when determining the application of CIL generated in the Area and not just of the Neighbourhood Pot, bearing in mind that not only is a disproportionate amount of the Borough’s CIL generated by development in our Area; but it is the current and future Isle of Dogs community that is bearing the brunt of such development, and whose resultant fast growing Infrastructure needs are intended to be in part offset by the use of the CIL generated in the Area.

THE POLICIES

2.8 The following sections contain the policies in the Isle of Dogs Neighbourhood Plan, as well as the context for each group of policies, the reasons for each policy, and an explanation of how each policy works. These policies will remain in force until the end of 2031 to align it with the Draft Local Plan, unless and until replaced sooner by a successor Neighbourhood Development Plan. The policies in this section must be taken into account in reaching development management decisions in the Area.

SUMMARY OF NEIGHBOURHOOD PLAN POLICIES

Chapter 1 – Density

D1 – Infrastructure Impact Assessments. Applications for Major and Strategic large 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.

D2 – High density developments. High density developments to specify how they conform to the GLA’s Housing SPG.

Chapter 2 – Empty sites

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ES1 – Use of empty sites. Encourage developers to release empty land and buildings on a temporary basis for community use (e.g. as a pocket park, market, etc.) pending the start of construction.

Chapter 3 – Construction Management and Communication

CC1 – Construction coordination. Changes to construction management with impacts beyond Major or Strategic Development site boundaries to be approved in advance.

CC2 – Construction communication. Communication required with local residents and other stakeholders before changing normal working hours and methods.

CC3 – Control of dust and emissions during construction and demolition. Compliance with the GLA's Dust and Emissions SPG to be specified.

Chapter 4 – Sustainable Design

SD1 – Sustainable Design. Planning applications to include pre-assessments demonstrating how BREEAM standards (or any future replacement standards) ~~will~~ can be met.

Chapter 5 – Air Quality [or moved to Annex as no policy]

~~AQ1 – Air Quality.~~ Air quality impact of planning and development to be minimised.

Chapter 6 – 3D Model

SD1 – 3D model for applications. 3D models to be required for large-scale planning applications.

Chapter 7 – Estate Regeneration Resident Ballots

RB1 – Resident Ballot Requirement. Relevant Estate regeneration projects ~~must~~ expected to apply for GLA grant funding, including satisfying the GLA's resident ballot requirement.

SUMMARY OF ANNEX ASPIRATIONS [Not part of the neighbourhood plan, moved to end of the document]

A 1 – Estate regeneration

[re-cast to match text]

~~ER1 – Right to vote to approve or reject final proposals~~

~~ER2 – Conduct of votes~~

~~ER3 – Resident participation in a transparent, inclusive, objective decision-making process~~

~~ER4 – Right of return~~

~~ER5 – Tenants' rights and costs~~

~~ER6 – Leaseholders' and freeholders' rights~~

~~ER7 – Adopting George Clarke Review recommendations~~

~~ER8 – Estate small businesses, retailers, and community organisations~~

~~ER9 – Public profit reinvestment~~

A 2 – Grandfathering new residents' associations

GR1 – Helping establish new residents' associations. Developers to facilitate residents' associations in new large developments from the outset.

Re-numbered section or add to Annex, as eg A.3 SUMMARY OF CIL RECOMMENDATIONS

CIL – All Community Infrastructure Levy (CIL) generated in the Area should preferably be invested in the Area, or at least be of direct benefit to the Area, and on the works and priorities identified in the OAPF's Development Infrastructure Funding Study (DIFS).

Finally, the Annex outlines aspirations for a Long Plan (A4) and the implications of setting up a Parish Council (A5). [or retain as separate plan sections]

April 2020

Isle of Dogs Neighbourhood Plan – Examiner's Edits

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3 – DENSITY AND INFRASTRUCTURE POLICIES

i. CONTEXT FOR THIS POLICY CHAPTER

3.1 The Isle of Dogs is experiencing unprecedented residential development density, with many large and closely packed residential buildings being built and proposed by multiple developers.⁴

3.2 Existing and consented developments are already outstripping the currently available Infrastructure, with incomplete and substantially unfunded plans for addressing this, let alone for developments yet to be approved.⁵

3.3 As the LBTH Mayor has said: “The Isle of Dogs includes some of the highest residential development densities in the country. I’m a great fan of Neighbourhood Planning Forums. The question they pose to me is to make sure that we don’t solve today’s housing crisis by storing up big infrastructure shortages for the future.... Most people buy into the future, but not at any price.”⁶

3.4 Numerous public authorities, utility providers and private businesses are responsible for different kinds of Infrastructure. So it is difficult for developers, planning officers and planning committees to appreciate clearly how each proposed development would affect the overall Infrastructure environment, and then make judgements accordingly.⁷

3.5 The official infrastructure evidence is that supporting the Local Plan (Infrastructure Delivery Plan) and the OAPF (Development Infrastructure Funding Study). The Forum’s Evidence Base – see website – includes a summary table of recent Strategic Development Committee reports in the E14 post code area.⁸ These Committee reports set out for Councillors on the Committee as well as stakeholders the key issues and policies for consideration before a decision is made. As can be seen from the examples below, they generally do not mention Infrastructure in any great detail, nor the Infrastructure planning documents, including the GLA’s Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) or the LBTH Infrastructure Delivery Plan 2018. This is why an Infrastructure Impact Assessment as required by Policy D1 needs to be provided, so that Councillors and stakeholders have access to comprehensive, up to date, and meaningful Infrastructure information in properly assessing relevant applications.

Skylines Village

Application number	PA/17/01597
Committee meeting date	28th March 2019
Link	http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?Cid=360&Mid=8890&Ver=4
Mentions of infrastructure planning documents	
Isle of Dogs & South Poplar OAPF	No mention
Infrastructure Development Plan 2017	No mention
GLA Housing SPG	No mention

⁴ See the Forum’s Evidence Base, map at paragraph 5.2.2 at page 48

⁶ https://www.youtube.com/watch?v=dsrd_BQlwus&feature=youtu.be&list=PL22i6ICOf8nGwe2ZiUzfWTFp8eQfBzJna.

⁷ See the DIFS, at page 20

⁸ See the Forum’s Evidence base, at page 40

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Mentions of specific types of infrastructure

Nursery	Included
Primary school	Included
Secondary school	No mention
Special Education Provision	No mention
GP Surgery spaces	No mention
Pharmacy	No mention
Dentist	No mention
Birthing centre	No mention
Publicly Accessible Open Space	No mention
Playgrounds separate	Included
Library Requirements	No mention
Swimming Pools	No mention
Sports Hall	No mention
Other sports	No mention
Police station	No mention
Fire Station	No mention
Ambulance station	No mention
Fresh water residential	No mention
Sewer capacity	No mention
Community Centre	No mention
Youth Facility	No mention
Adventure Playground	No mention
Allotment Plots	No mention
DLR	Partial
Bus	Partial
Bike docking stations	No mention
Parking	Yes
Supermarket/Grocery store	No mention
Fuel station	No mention

3.6 The **Forum's** Evidence Base includes a summary table of **four** developments in the Area approved by the LBTH Strategic Development Committee (or later by the Mayor of London or through a Planning Appeal) since the Forum was first set up in autumn 2014⁹, one example of which is set out **in the Evidence Base below**. It details for each development the size, density, height and any Infrastructure to be provided on site, including child play space. It shows that a number of developments did not provide any Infrastructure on site, but that others – especially more recent developments – have provided some Infrastructure. It shows that wider Infrastructure considerations are not generally being considered. In considering the table, it should be noted that the current London Plan recommended maximum density for a

⁹ See the Forum's Evidence base, at page 42 **[this should be 3.17 = 10 developments?]**

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development in a location with transport links like the best in the Forum's Area is 1,100 habitable rooms per hectare.

3.7 The draft London Plan provides: "If developments come forward with capacities in excess of those allocated in the relevant Development Plan, and therefore in excess of future planned infrastructure, a site-specific infrastructure assessment will be required. This assessment should establish what additional impact the proposed development will have on current and planned infrastructure, and how this can be appropriately mitigated either on the site, or through an off-site mechanism, having regard to the amount of CIL generated."¹⁰ It is noted that the London Plan does not say that the amount of CIL generated is the sole consideration in assessing the Infrastructure requirements of an application.

3.8 Tower Hamlets Council state: "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 [i.e. strategic Local 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.). 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."¹¹

3.9 The GLA and Tower Hamlets Council approach begs the key question of what "the sufficiency of the planned provision of infrastructure" is in the context of the uniquely dense development taking place in the Isle of Dogs when each new Major or Strategic development is considered, bearing in mind that each such development places a material additional strain on the available Infrastructure. The principal issue is that there are currently no common baselines, assumptions or methodology for comprehensively assessing the Area's unique Infrastructure requirements.

3.10 The Tower Hamlets Council's constitution provides a list of material planning considerations to be taken into account in determining planning applications. These include factors beyond developers' control, such as overall physical infrastructure capacity and deficiencies in social infrastructure.¹² These include inter alia the following material which the Forum considers are relevant planning considerations:

- (i) Highway issues: traffic generation, vehicular access, highway safety;
- (j) Noise or disturbance resulting from use, including proposed hours of operation;
- (k) Smells and fumes;
- (l) Capacity of physical infrastructure, e.g. in the public drainage or water systems;
- (m) Deficiencies in social facilities, e.g. spaces in schools;
- (n) Storage & handling of hazardous materials and development of contaminated land;

¹⁰ London Plan (July 2018), para 3.6.2A

¹¹ London Borough of Tower Hamlets, Response to the Isle of Dogs Neighbourhood Plan Regulation 14 Consultation, April 2019, specific comment #14. Emphasis added.

¹² London Borough of Tower Hamlets Constitution, approved 22nd November 2017, V3, Appendix A, page 398.

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(o) Loss or effect on trees;

(p) Adverse impact on nature conservation interests & biodiversity opportunities;

3.11 The policies in this chapter, ~~coupled with the Infrastructure Baseline Analysis attached to this Plan,~~ contain provisions to ensure that, in the interests of Sustainable Development, applications for large residential developments in the Area are designed and considered clearly in the context of overall Infrastructure capacity.

POLICY D1 – INFRASTRUCTURE IMPACT ASSESSMENT

~~Insert recommended modifications in Report~~

ii. REASONS FOR POLICY D1

3.12 This policy seeks to ensure development contributes to the economic, social and environmental objective of Sustainable Development, by ensuring that the Infrastructure context of the Area is taken into account in the preparation of planning applications and the consideration of those applications by LBTH.

3.13 It also seeks to identify those developments that are most likely to impact on the Infrastructure needs of the Area and the wellbeing of its residents, with the aim that both the existing Infrastructure provision and the likely impact of the development in question are taken into account when such applications are determined.

3.14 The LBTH Committee report for Westferry Printworks at the LBTH Strategic Development Committee on 14th May 2019, which considered (item 5.1) Former Westferry Print Works 235 Westferry Road E14 8NX PA/18/01877, included the following statement on page 36, section 8.29: *“Any proposed increase in residential density on this site should be supported by an assessment of its cumulative impact on social infrastructure, utilities and transport infrastructure to ensure that the intensification would represent sustainable development.”*¹³

3.15 Policy D1A *“Infrastructure requirements for sustainable densities”* in the new London Plan provides in para 3.1A.2: *“If development comes forward with a capacity in excess of that which could be supported by current or future planned infrastructure, a site-specific infrastructure assessment will be required.”*¹⁴

ii. HOW POLICY D1 WORKS

3.15.1.1 ~~Attached to this Plan is the Infrastructure Baseline Analysis that has been prepared by the Forum. It identifies and quantifies the different kinds of Infrastructure capacity that already exist or for which commitments have already been made, and compares that to the Infrastructure needs for all existing and consented residential developments in the Area. Any Infrastructure capacity deficits or surpluses are highlighted.~~

¹³<http://democracy.towerhamlets.gov.uk/documents/s148628/Westferry%20Printworks%20SDC%20Report%20Final.pdf>

¹⁴https://www.london.gov.uk/sites/default/files/draft_london_plan_-_consolidated_changes_version_-_clean_july_2019.pdf

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3.15.1.2 ~~The Infrastructure Baseline Analysis may be replaced by LBTH from time to time by a similarly structured analysis that has been updated and enhanced (but is no less detailed), to be known as LBTH's Infrastructure Analysis.~~

3.16 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, updated for further consented developments as at the time of their application, together with other relevant information – such as, without limitation, material changes in relevant regulations, available Infrastructure, and population demographics – to enable planning officers and committees fully to assess their application in context.

3.17 The Infrastructure Impact Assessment should identify actions by the applicant that could contribute to the positive impacts of development on Infrastructure capacity and mitigate the negative impacts. 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.

3.17.1.1 ~~In view of the overriding principle of Sustainable Development, if the proposed development's negative Infrastructure impacts cannot be adequately mitigated, then it should be considered unacceptable.~~

POLICY D2 – HIGH DENSITY DEVELOPMENTS

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 to 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.

iii. REASONS FOR POLICY D2

3.18 Planning committees are made aware of the GLA's requirement that applications for developments that exceed the maximum recommended densities in the GLA's London Plan should be of a high design quality. But they often fail to give sufficient weight to the GLA's other requirements.

3.19 As a result, ~~the Forum believes that~~ LBTH planning committees have repeatedly approved applications for well-designed developments that exceed the maximum recommended density on the basis that, having once allowed the maximum to be exceeded, it is obliged to continue to do so for broadly similar applications on the grounds of consistency, regardless of the increasing strain on Infrastructure that such further developments would generate. It is this approach which has led to the Area's Infrastructure capacity being strained.¹⁵

3.20 The purpose of ~~this~~ policy D2 is therefore to incorporate the ~~spirit~~ **relevant part** of the GLA's **supplementary** guidance into policy, by emphasising and clarifying that each application for a very high density residential development in the Area should be considered against all the GLA's Housing SPG criteria, and not be bound to repeat a judgement made in different circumstances.

¹⁵ See the Forum's Development Analysis

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3.20.1.1 ~~Indeed, in commenting on the GLA's London Plan, the Outer London Commission expressly noted that: "exceptions to the (density) ranges should be just that, whether above or below the appropriate range, and must be justified robustly".~~¹⁶

3.21 In its section on developments above the recommended density ranges, the GLA's Housing SPG states:¹⁷

"In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations:

- *the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
- *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
- *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;*
- *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
- *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
- *the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;*
- *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
- *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).*

Where these considerations are satisfactorily addressed, the London Plan provides sufficient flexibility for such higher density schemes to be supported. It should, however, be recognised that this is not an exhaustive list and other more local or site specific factors may also be given appropriate weight, taking into account the particular characteristics of a proposed development and its impact on the surrounding area."

iv. **HOW POLICY D2 WORKS**

3.22 Applications for developments that exceed the density set out in policy D2 need to spell out how they comply with all the requirements of the GLA's Housing SPG as set out in paragraph 4.4.6.5.1 above.

3.23 Applications that do not adequately demonstrate this should be considered unacceptable.

3.24 Applications cannot rely on the supposed precedent of previously consented developments that were approved when there was less cumulative strain on the Area's Infrastructure, as changing demands on Infrastructure justify fresh consideration.

¹⁶ 2015 draft of the London Plan SPG, para 1.3.46, at page 44.

¹⁷ GLA's Housing SPG, Part 1, Para 1.3.51/52, at page 54.

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4. EMPTY SITES POLICY

i. CONTEXT

4.1 The Isle of Dogs and South Poplar area contains a number of empty or under-utilised sites. For example as at July 2019:

- The former Barclays Bank office building on West India Quay was demolished in order to allow construction of The Spire. That development is now on hold and the site has been hoarded up.
- The 30 Marsh Wall office building has been largely empty for some years now, after a planning application to build a 50+ storey building was rejected. It did contain charitable Meanwhile Use for a period of time. There is a similar situation at 225 Marsh Wall currently.
- The McDonalds restaurant was demolished by the Preston Road roundabout in order to allow development of the Helix. That development is now on hold and the site has been hoarded up. This has resulted in the loss of the only 24-hour restaurant locally.
- The JP Morgan office site by Westferry Circus was cleared and construction was started and then stopped once the basement was built, and has been empty for almost ten years now. The way it has been left makes it difficult to use for Meanwhile Use purposes.¹⁸
- The site between Manilla and Cuba Street has been left empty for years. It has been used as a construction manufacturing site, has been considered for use as a carpark or for modular temporary affordable homes, and now has a planning application submitted for a modular temporary hotel.

4.2 The above are only a few examples of empty or under-utilised sites. Other sites have historically been left empty for years before development eventually takes place. As a result of delayed construction, valuable land is being wasted and utilised neither for commercial, residential nor community use for many years, and is often unsuitable for Meanwhile Use as a result of being covered in construction materials or being otherwise left unsafe to use.¹⁹

4.3 Meanwhile uses have been successfully applied to some sites, for example:

- Canary Wharf Group introduced a number of Meanwhile Uses on Bank Street and Wood Wharf before construction of schemes on those sites, including temporary parks and a small street market.
- The office buildings between Millharbour and Pepper Street Bridge have been used by the charity One Love on a Meanwhile Use basis for the last few years while planning permission is sought via an appeal to the Planning Inspector.

4.4 It is therefore desirable to encourage developers to release land awaiting development for Meanwhile Uses by the community, and to discourage demolition of useful buildings before developers are ready to build out their approved schemes.

¹⁸ See pictures in the Forum's Evidence base, paragraph 4.9 at page 47

¹⁹ See the Forum's Evidence Base, ibid.

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POLICY ES1 – USE OF EMPTY SITES

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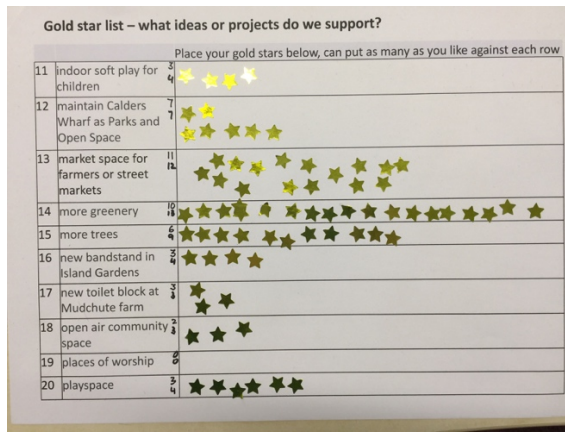
i. REASONS FOR POLICY ES1

- 4.5 Given economic uncertainty, sites may lie unused for extended periods. But in view of the lack of available land in the Area, it is in the interest of the community not to let land lie fallow and unused. Developers should be encouraged to use land in a way that will benefit the community, and which is also in the interest of developers and landowners.²⁰
- 4.6 This policy ES1, ~~by freezing planning consents when land is being used for one of the listed approved community uses,~~ will encourage developers and landowners to make good use of their land pending their building out the development in accordance with the substantive planning application.
- 4.7 An example of such a temporary and attractive use is the pocket park on the south side of Bank Street, before 1 and 10 Bank Street started construction. Other examples include Container City II at Trinity Buoy Wharf, Containerville at 35 Corbridge Crescent in Tower Hamlets, and the PLACE / Ladywell pop-up village in Lewisham.
- 4.8 The South Quay Masterplan Supplementary Planning Document in October 2015 provides the following suggestions:²¹
- *“Temporary uses and landscaping of decanted/vacant development sites and dock edges including:*
 - *Pop-up retail*
 - *Affordable workspace*
 - *Cultural & sporting activities*
 - *Public art and lighting installations”*
- 4.9 The ~~draft London Plan Policy H3 encourages meanwhile uses for housing.~~ The order for priority Meanwhile Uses in this policy is based on a series of consultation events held by the Forum in March 2018 at Pepper Street where residents were asked what their priorities were. Each resident was given 10 gold stars to place on a series of boards (see one board below as an example). This provided us with an aggregated priority list which informed the above priorities for empty site Meanwhile Uses.

²⁰ London Plan, Policies D4, H4, HC5 and G8.

²¹ South Quay Masterplan, page 53, Table 2

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ii. HOW POLICY ES1 WORKS

- 4.10 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 ~~six~~ twelve months' delay in building out the development in accordance with the substantive planning application. This would be subject to public consultation, ~~and input from LBTH, and how and by whom a~~ Any such Meanwhile Use ~~sh~~ould be made a provision of ~~the a~~ Section 106 agreement stating that the length of planning permission will be extended to five years if the developer makes reasonable endeavours to make the site available for a meanwhile use within 12 months of the substantive planning application gaining consent.
- 4.11 If additional planning permissions are required for change of use for some Meanwhile Uses, such as without limitation for the construction of affordable workspaces, this should be identified on submission of the original substantive planning application as part of the detail of the proposed Meanwhile Use, ~~and the applicant for the substantive development shall, as part of its Section 106 agreement, be obliged to procure that consent for the relevant Meanwhile Use shall be sought.~~
- 4.11.3.1 A Construction Management Plan is always added as a condition for any Strategic Development application, and will typically contain a great deal of detail on how a site will be managed and made safe once construction starts, up to the point of completion of the development.
- 4.11.3.2 Given delays in construction, Construction Management Plans should include a section on what happens to the site if there is a delay in development of more than six months.
- 4.11.3.3 In those cases where a Construction Management Plan is the method by which a Meanwhile Use is delivered, it should provide the details of how the Meanwhile Use will work in the same way that it already provides detail on the construction process.
- 4.11.3.4 If no Construction Management Plan is submitted because an approved development has stalled before the Construction Management Plan is agreed, then the original use of the site should continue. If the buildings or the land have been emptied for work to start, or if the site is already empty, then in such cases a limited Construction Management Plan should be submitted solely focussed on the Meanwhile Use of the site, and any necessary planning permission sought. This could be added to any conditions attached to the original planning consent.

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5. CONSTRUCTION MANAGEMENT AND COMMUNICATION POLICIES

i. CONTEXT FOR THIS POLICY CHAPTER

- 5.1 The Isle of Dogs is experiencing the construction of numerous, very large and closely-packed developments by a range of different developers, severely impacting the living environment of the whole community. Tens of thousands of new homes are being built in this relatively small and enclosed area. Such intensity of development on our existing community is unprecedented.²²
- 5.2 The different developers' activities are largely uncoordinated, and the community receives little (if any) notice of even very intrusive actions, such as roads closed for heavy equipment movements.²³
- 5.3 Pavements are blocked off for long periods; construction vehicles constantly impede normal traffic and park in narrow side roads, unable to access the relatively small sites for such large buildings; utilities repeatedly dig up the same roads within a few months; piling and other loud construction noise is endured for long periods even at weekends; and so on.²⁴
- 5.4 This situation is set to continue for decades, with a well-telegraphed pipeline of major proposed developments across and around the island adding to those already consented or under construction.²⁵
- 5.5 Management of the many different developers and their contractors, and more effective communication with the community about their construction activities, is essential in these circumstances.

POLICY CC1 – CONSTRUCTION COORDINATION

See Recommended modifications in Report

ii. REASONS FOR POLICY CC1

- 5.6 Continuous and coordinated management of the construction management plans of the many different developers and their contractors in the Area, and full consultation on and publication of changes to them, is essential in these circumstances.

iii. HOW POLICY CC1 WORKS

- 5.7 The Forum consider that LBTH should include in the conditions imposed on any Major or Strategic Development a requirement that any proposed changes to construction management by an applicant or its contractor that would be likely to have an impact outside the site boundary, shall consider, including without limitation public access, pedestrian

²² See the Forum's Evidence Base at section 2.

²³ See the Forum's Evidence Base at section 5.

²⁴ See the Forum's Evidence Base at sections 5.2 and 5.3.

²⁵ See the Forum's Evidence Base map, paragraph 5.2.2 at page 48.

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and/or vehicle movements, air quality, noise, vibration, and/or encroachment on public land shall:

- only be made after effective consultation with the affected local community, in line with LBTH's Statement of Community Involvement, ~~which consultation shall include at least a minuted discussion with all IoD 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~~
- ~~be recorded in the form of an updated statement and formally submitted and approved by LBTH prior to further progress on the development.~~

5.8 The resubmitted plan and its approval will be formally recorded on the Planning Register.

POLICY CC2 – CONSTRUCTION COMMUNICATION

See Recommended modifications in Report

iv. REASONS FOR POLICY CC2

5.9 Residents are often the last to know what is happening on their own doorstep. When they approach developers to ask why work is happening, they are often told that LBTH has authorised the work, but that information has not been communicated effectively to the affected community.

5.10 Through the local community's local knowledge, awareness of other developments and ability to communicate with the wider community, local councillors can, by working with developers, materially improve construction communication, making life easier for the developer and residents.

v. HOW POLICY CC2 WORKS

5.11 Developers and their construction companies ~~must~~ are expected to notify the local community through public channels, including the use of social media, posters adjacent to the site, and advertisements in local newspapers, as well as notifying local councillors and/or their properly appointed proxies, when proposing changes to their normal working practices, especially when such changes will have an impact on the wider area.

5.12 Notification under this policy CC2 to comply with the LBTH Statement of Community Involvement, ~~local councillors shall be in writing to all IoD local councillors whose ward includes the relevant site and/or whose electorate is likely to be affected by the construction management changes, and who may at their discretion nominate a properly appointed proxy for this purpose.~~

5.13 Below are examples of what some developers operating in the Area currently provide in terms of construction communication. It should be possible for other developers to provide a similar level of engagement.

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	Westferry Printworks	Landmark Pinnacle	Canary Wharf Group
Development			
Name of developer/main contractor	Mace	Chalegrove	CWG
Emailed newsletters	Yes	Yes	No
Information shared on Facebook	By arrangement	By arrangement	By arrangement
Public meetings	Yes	No	Yes
Dedicated & named contact person	Yes	Yes	Yes
Dedicated phone number & email	Yes	Yes	Yes
Separate Public Relations firm?	Yes	Yes	In-house staff
Drop in sessions available	Yes	No	No

POLICY CC3 – CONTROL OF DUST AND EMISSIONS DURING CONSTRUCTION AND DEMOLITION

To support Sustainable Development in the Area, construction management plans shall specify how they comply with the GLA's Dust and Emissions SPG.²⁶

vi. REASONS FOR POLICY CC3

- 5.14 The GLA has issued planning guidance on the control of dust during construction.²⁷ The aim of making the GLA's Dust and Emissions SPG a Neighbourhood Plan policy is to require emissions of dust, PM₁₀ and PM_{2.5}, to be reduced from construction and demolition activities in the Area. The SPG also aims to control nitrogen oxides (NOx) from these same activities by introducing an Ultra-Low Emissions Zone (ULEZ) for non-road mobile machinery.
- 5.15 The Port of London Authority's 'Thames Vision (2016)' document includes a goal of getting more than 400,000 lorry trips off the roads and use the river instead in view of the impact of construction on local communities.
- 5.16 With more intense construction underway in the Area than anywhere else in the UK, and in a geographically limited space, it is essential that construction is undertaken to the highest standards.
- 5.17 The NPPF provides that: "*Planning policies and decisions should contribute to and enhance the natural and local environment by... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans*".²⁸

²⁶ GLA's Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition' at <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/control-dust-and>

²⁷ Ibid

²⁸ NPPF, at paragraph 170.

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vii. HOW POLICY CC3 WORKS

- 5.18 No construction management plan shall be approved unless and until it makes clear how it complies with the GLA's Dust and Emissions SPG during both demolition and construction.
- 5.19 LBTH and the developer should enable affected residents to have ready access to air quality data.

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6. SUSTAINABLE DESIGN POLICY

i. CONTEXT

6.1 The NPPF provides that: *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."*²⁹

6.2 The tallest and densest buildings in the United Kingdom are being built in the Isle of Dogs³⁰, and should therefore be of the highest possible standards.

POLICY SD1 – SUSTAINABLE DESIGN

To support sustainable development in the plan area all Major and Strategic Developments are strongly encouraged to meet the highest levels of design and environmental standards; including:

- For non-residential buildings: the BREEAM Excellent standard; and
- For residential buildings: the Home Quality Mark

ii. REASONS FOR POLICY SD1

6.3 Policies regarding Sustainable Design and Sustainable Growth are included in London Plan and the Draft Local Plan, and LBTH has said it will strongly encourage schemes to use the Home Quality Mark.³¹

6.4 Including this policy SD1 in the Isle of Dogs Neighbourhood Plan emphasises its particular importance in this very dense and iconic Area.

6.5 It is common in other industries for purchasers / users to have access to independent information as to the quality of the product they are using or buying before they acquire those products. The same should apply to the development industry. Home owners/leaseholders/tenants need to know to what standard their home have been built, whether Home Quality Mark or another standard. The same applies to any properties which are being developed for non-residential use.

²⁹ NPPF, Paragraph 124.

³⁰ See Forum's Evidence Base, paragraph 2.14 at page 22

³¹ See Draft Local Plan Policy D.ES7: A Zero Carbon Borough

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6.5.1 iii. HOW POLICY SD1 WORKS

~~6.5.1.1~~ 6.6 This is a reporting requirement and does not mandate the use of these standards.

~~6.5.1.2~~ If and when a developer chooses not to meet or exceed these requirements, that information should be made publicly available. It should therefore be added as a condition to any planning permission for Major or Strategic Development that this information be put in the public domain as a summary document uploaded to the LBTH planning register website, on construction hoardings (as CCS boards are), and on any website publicising the scheme, as well as a note added to any S106 agreement.

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7. AIR QUALITY [I suggest that this whole section be moved to the Annex- see Report para 9.5]

CONTEXT

- 7.1 Air Quality is a major concern of residents both within the Area and in London as a whole.³²
- 7.2 The Isle of Dogs has major sources of pollution to its north (Aspen Way and Blackwall Tunnel), nearby at London City Airport, and major construction sites generating large amounts of dust, and which also use diesel generators.³³
- 7.3 The ~~draft London Plan and the~~ Local Plan include ~~policies on Air Quality and the Local Plan includes a~~ Map identifying areas of substandard air quality in Tower Hamlets, including the Isle of Dogs.³⁴
- 7.4 The NPPF provides that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans"*.³⁵

If this section is moved to the Annex, this policy could be re-expressed in aspirational terms:

POLICY AQ1 – AIR QUALITY

- ~~7.4.1.1 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.~~
- ~~7.4.1.2 Development should comply at least with all minimum EU or UK environmental requirements in relation to air pollutants whichever is the more stringent.~~
- ~~7.4.1.3 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.~~

³² See the Forum's Evidence Base, section 7.

³³ See the Forum's Evidence Base, map at paragraph 5.2.2 on page 48

³⁴ See Draft Local Plan, map on page 169, figure 4.2

³⁵ NPPF, paragraph 170.

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7.4.1.4 Major and Strategic Developments must demonstrate that they are designed to ensure that indoor air quality complies with the latest WHO 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.

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7.4.1.5 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 should terminate above the roof height of the tallest part of the development in order to ensure the maximum dispersal of pollutants.

7.4.2 REASONS FOR ~~ASPIRATION~~ AQ1

The Form advocates adoption of a Policy such as [AQ1] which has already been adopted in the Knightsbridge Neighbourhood Plan³⁶, and there is no reason for the Isle of Dogs adopting lesser standards given its greater population density and scale of development densities.

7.5 Air pollution ~~comprises~~ includes some greenhouse gases (such as carbon dioxide (CO₂) and ozone (O₃)) and local air pollution. The latter contains particles (such as PM₁, PM_{2.5} and PM₁₀) and gases. The most important regulated gas for legal purposes in ambient air is nitrogen dioxide (NO₂). NO₂ is an easily measured indicator of combustion emissions from road traffic and gas heating and cooking. NO₂ contributes to morbidity and mortality along with fine particles (PM_{2.5}). This means that support for Sustainable Development ~~must~~ should include a stringent approach to development which might increase the already unlawful levels of air pollution.

7.6 It is also important to recognise that the health and societal impacts associated with poor air quality represent a significant economic cost. For example, in London only, PM_{2.5} and NO₂ in 2010 had an associated mortality burden of £1.4 billion and £2.3 billion at 2014 prices, respectively.³⁷ These costs are often ignored in assessing the economic benefit of development. There are therefore potentially significant economic benefits to reducing air pollution.

7.7 Public health can be improved by requiring compliance with the best international standards for indoor air quality since people typically spend about 90% of their time indoors. In doing so it is important to understand the difference between mechanical ventilation, air conditioning and air filtration.

7.7.1 HOW ~~ASPIRATION~~ AQ1 WORKS

7.8 Appropriate standards for the selection of energy efficient air filters include BS EN 16798-3:2017 (for minimum air filtration efficiency), BS CEN ISO 16890-1:2016 (for particulate matter including PM₁) and BS CEN ISO 10121-2:2013 (for gases). These standards can be applied to reduce energy use and CO₂ emissions.

³⁶ https://www.westminster.gov.uk/sites/default/files/knightsbridge_neighbourhood_plan_adoption_version_041218_web_version.pdf, Policy KBR34: Healthy air, page 65.

³⁷ Source: 'Chapter 5 (page 7) - Economics of pollution interventions' in the 'Annual Report of the Chief Medical Officer 2017, Health Impacts of All Pollution - what do we know?', page 151

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7.9 If air filtration is utilised in a development to comply with indoor air quality standards, information must be provided to the resident on the type of air filtration used, its location and how to maintain it.

7.10 Health, legal and climate imperatives and ambitions mean that development in the Area must contribute to reductions in emissions to air. No worsening of air quality must be allowed in areas where limit values are exceeded.

7.11 Where limit values in the locality are not exceeded, a significant worsening of air quality may only be allowed in exceptional circumstances and such increases can be justified by the principle of Sustainable Development.

7.12 The Forum considers that planning applications shall should not be approved unless they can demonstrate that they meet the development plan policy requirements.

7.13 It is noted that it is the Council's intention to work closely with the Forum to prepare an effective climate change policy for inclusion in the intended "long plan".

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8. 3D MODEL POLICY

CONTEXT

8.1 It is no longer sustainable to plan an area of such complexity, density and scale as the Isle of Dogs in 2D. The GLA are themselves building a digital model of the East of the City. That model should be extended not just to approve planning applications, but as a live model to plan everything in the Area from new CCTV cameras, to new cycle parking, to the location of street bins.

8.2 The new London Plan Policy D4 supports the use of 3D modelling for planning purposes. GLA's 'City in the East' document³⁸ states:

"The GLA digital 3D model for City in the East covers large parts of the Thames Gateway. This model coverage will be gradually increased and the model updated in partnership with public and private sector stakeholders, with the objective to eventually cover all of London. It will provide a platform to inform spatial design and planning as well as consultation processes as an interactive live 3D model. Developers of individual sites will be expected to provide 3D models of their schemes in an agreed format which will be used to populate the GLA's model as schemes come forward. Developers will also be expected to contribute to the cost of locating their schemes within the GLA's wider model."

8.3 If nations like Singapore can plan their whole country in 3D, it should be possible to achieve the same in the Area.

8.4 Other neighbouring local authorities like the City of London and Southwark are already using 3D models in their planning processes.

8.5 Given the vertical scale of development in the Area (up to 241 meters above sea level), good design and good architecture in the 21st century require the use of 3D models in the planning process.

8.6 LBTH has acquired its own 3D model for planning purposes, which as of 2018 was a licence to the Vu.city model.³⁹

POLICY 3D1 – 3D MODEL FOR APPLICATIONS

All applications for Strategic Developments must be accompanied by a 3D model and in a form that is compatible with the model used for assessment as part of the development management process.

³⁸ Building a digital model of the City in the East, released in 2015, on page 14.

https://www.london.gov.uk/sites/default/files/city_in_the_east-may_2016.pdf.

³⁹ www.vucity.co.uk

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ii. REASONS FOR POLICY 3D1

- 8.7 It is no longer sustainable to plan at this level of density and height without better tools.
- 8.8 3D models are increasingly being used in planning to solve a wide range of issues.
- 8.9 In order to keep the 3D model 'live', any applications submitted must include 3D models to allow the LBTH 3D model to be updated.
- 8.10 The emergency services are seeking more information about buildings, including the number of storeys, internal layouts, emergency access points, lift locations, fire hydrant locations etc., in order to be able to respond better in an emergency.

iii. HOW POLICY 3D1 WORKS

- 8.11 Planning applications should include a data file that, when uploaded, will populate the current 3D model being used by LBTH (and GLA) with the data to create an outline model with sufficient fidelity as to allow the full use of the functionality of the 3D model in use. Any changes in the outline will require a new data file to be provided.
- ~~8.12 Developers and/or their contractors must supply the Fire Brigade and other relevant emergency services with all of the information necessary to understand the internal layout of buildings.~~
- 8.13 ~~The Forum considers that applications made submitted to an LBTH Planning Committee which do not include the ability to have a fly-through presentation, or views from different angles of the development in its wider context through a 3D model, should not be validated. rejected.~~

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9. ESTATE REGENERATION RESIDENT BALLOTS POLICY

i. CONTEXT FOR THIS POLICY CHAPTER

9.1 For the context for this policy Chapter, see Annex A 1 (Estate Regeneration), at Para 9, insert new para numbers (Context for this Chapter), and draft London Plan Policy H8 and its supporting text.

POLICY RB1 – RESIDENT BALLOT REQUIREMENT

see Recommended modifications in Report.

ii. REASONS FOR POLICY RB1

9.2 A number of Estate regeneration schemes in London have faced very active resistance from affected residents, as change has been imposed on them from above rather than with their active involvement. Whereas some Estate regeneration schemes – such as New Union Wharf in LBTH – have involved active resident participation, including a ballot approving the demolition of the old homes and the building of new ones in their place.⁴⁰ The first GLA ballot has already been held in Westhorpe Gardens and Mills Grove Estate where 74.5% of the residents voted for the Estate regeneration.⁴¹ This Policy RB1 seeks to ensure that encourage all relevant Estate regeneration schemes in the Area to not only seek GLA funding to maximise affordable housing, but also achieve demonstrable community approval.

9.3 If the landlord is successful in securing GLA funding for Estate regeneration, that should enable a higher percentage of affordable housing units, supporting Policy D.H2: Affordable Housing and Housing Mix in the Draft Local Plan, which in para 5 requires an increase in net affordable housing units in Estate regeneration.

iii. HOW POLICY RB1 WORKS

9.4 Any applicant proposing an Estate regeneration scheme in the Area that involves the demolition of social housing must first assess whether GLA funding may be available.⁴² If so, when an application to the GLA for such funding must be made and any conditions set by the GLA needs to be followed, including without limitation the GLA's Resident Ballot Requirement Funding Condition.

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⁴⁰ <http://www.housingforum.org.uk/resources/informing/demonstration-projects-2012-current/demonstration-project-2017-east-thames---new-union-wharf>

⁴¹ <https://www.socialhousing.co.uk/news/news/residents-vote-yes-in-first-estate-regeneration-ballot-following-new-london-rules-59092>

⁴² <https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/estate-regeneration>

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ANNEX: COMMUNITY ASPIRATIONS

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1. Introduction

1.1 The provisions in this Annex are community aspirations which represent the wishes of the Isle of Dogs community in relation to the developments to which they apply. They 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.

1.2 This is how they are described in planning regulations:

“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.”⁴³

[continue text]

⁴³ Paragraph: 004 Reference ID: 41-004-20190509. <https://www.gov.uk/guidance/neighbourhood-planning--2>, revised 9th May 2019

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A.1 – ESTATE REGENERATION

1. CONTEXT

- 1.3 The Isle of Dogs includes a number of housing association managed Estates, some of which were built decades ago. The question of their long-term future is therefore a live subject on the Isle of Dogs, not least the future of the four Estates managed by One Housing Group: Barkantine, St Johns, Samuda and Kingsbridge. The ~~provisions~~ **aspirations** in this Annex apply to all Estates with a single landowner.
- 1.4 One option for the future of Estates is complete demolition and rebuild. But Estate regeneration has a very poor and negative reputation in London due to a number of issues with previous such projects. As a result, Estate regeneration has attracted high levels of opposition and legal challenge.
- 1.5 The ~~provisions~~ **aspirations** in this Annex ~~do not restrict the possibility of future legal challenges,~~ but are intended to ensure that any change to the Estates has broad support in advance of any change. The more involved affected local communities are in changes to their homes, the more sustainable that development is. The ~~provisions~~ **aspirations** in this Annex are therefore designed to promote Sustainable Development.
- 1.6 An important element of that broad support is to have quite specific provisions on issues like the voting process, as that helps build trust and support even if they do not typically fit classic land use policies.
- 1.7 Planning ~~guidance~~ **policy** and landlords recognise the ~~need for~~ **benefits** of Estate redevelopment ~~to having~~ the support of the majority of residents. The Forum supports independent secret ballots as by far the most credible and fair way of assessing resident support, because the alternative 'independent' surveys – as samples based on one-to-one interviews – are less inclusive than ballots of the affected communities.
- 1.8 With surveys, landlords are also more likely to be able to consult at short notice of their choosing, and control information given to residents beforehand and the format of questions. Fair votes avoid the possibility or perception of the organisation carrying out the survey being influenced by the landlord, enabling more trust in the result – a crucial benefit for all parties and therefore critical to the sustainability of the proposed development.
- 1.9 A vote campaign also allows any groups opposed to proposals (who do not have the same resources as landlords) to put their case during a publicised period notified well in advance. Vote campaigns also traditionally facilitate hustings events where residents can listen to all arguments and points of view, and ask questions of all sides. These are vital elements. There is, by contrast, no record of surveys allowing such impartial, collective engagement and debate.⁴⁴
- 1.10 All of the principles detailed below have already been used by other Estate regenerations in Tower Hamlets – most notably the New Union Wharf Estate regeneration in the Area (which

⁴⁴ The case of Central Hill in Lambeth illustrates all these points. See Central Hill: A Case Study in Estate Regeneration, ASH, 10th April 2018.

<https://architectsforsocialhousing.wpcomstaging.com/2018/05/01/central-hill-a-case-study-in-estate-regeneration-ash-presentation-to-the-department-of-architecture-braunschweig-university-of-technology/>

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voted to support Estate regeneration)⁴⁵ – so they are known to be viable and practicable provisions already used in practice.

1.11 It also directly relevant that, when the Isle of Dogs Estates were transferred from the control of Tower Hamlets Council to individual housing associations, there was a ballot of residents to approve the transfer. The principle that residents should vote on the future of their Estates is therefore already established.

1.12 Estate regeneration is not specifically mentioned in the NPPF, even though it is an obvious source of new homes. ~~But it cannot be Sustainable Development to propose to knock down people's homes without a guarantee that (i) they will get a replacement home of equal or better quality; (ii) they will not be financially worse off; and (iii) they can stay in the same area subsequently.~~

1.13 There is evidence from some existing Estate regeneration schemes in London where existing communities were displaced and fragmented by the redevelopment of their homes. Most notably at Heygate in Southwark, where the most evidence has been gathered about displacement.⁴⁶ This directly contradicted various elements of the NPPF as they relate to sustainable communities. Development should not destroy a community. Rather it should provide new or refurbished homes.

1.14 In December 2016, the Department for Communities and Local Government released the Estate Regeneration National Strategy, which supports many of the provisions in this Annex.⁴⁷ It includes this introduction:

- *"This section of the national strategy sets out the government's expectations for how landlords, developers and local authorities should engage with residents throughout an estate regeneration scheme, and for how residents should be protected."*
- *Successful estate regeneration schemes need to have the support of a majority of the residents, through what can be a very uncertain time for them. Early and ongoing discussions on plans for the estate, and residents' personal housing needs and choices, will build a relationship of trust between residents and landowners and help to develop support."*
- It also states that "a vote may be appropriate before complete demolition"
 - A cross-party London Assembly Member report⁴⁸ includes the following introduction:
 - *"The London Assembly's Housing Committee report into estate regeneration looks at how to improve the process of regenerating housing estates – including the decision of councils or housing associations to either renovate or demolish the estate."*

1.15 The London Assembly report is designed to provide a guide for community groups, councillors and housing professionals to some of the best ways to work together to regenerate Estates. The tips include:

- *Putting energy into early and comprehensive engagement with residents, as well as the physical build and finances*

⁴⁵ New Union Wharf, Forum's understanding. See <http://www.housingforum.org.uk/resources/informing/demonstration-projects-2012-current/demonstration-project-2017-east-thames---new-union-wharf>

⁴⁶ <http://heygategowashome.org/displacement.html>

⁴⁷ <https://www.gov.uk/guidance/estate-regeneration-national-strategy>

⁴⁸ <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/knock-it-down-or-do-it>

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- Holding an independent ballot on any final decision to demolish an estate
- Creating a steering group of residents and securing the enthusiasm of community leaders and influencers.

1.16 The Principles and Recommendations section of the London Assembly report includes the following:⁴⁹

- “An effective decision-making process would:
 - Be robust by being clear from the outset on the purpose of the proposed regeneration and how it fits within a broader strategy for the local area and borough, communicating this early, openly and broadly, and ensuring a systematic and objective option appraisal is undertaken and published.
 - Include in its option appraisal effective consideration of medium- to long-term social and environmental issues. It would incorporate an assessment of the lifecycle carbon impacts of options and feature existing residents’ needs and wishes in terms of their lived experience, in tandem with the wider strategic and financial imperatives. It would be clear how residents’ views have been taken into account.
 - Have fully justified any regeneration proposal for which the provider considers there to be no viable alternative. An independent ballot of estate residents would be undertaken which would inform any final proposals to demolish.
 - Ensure that leaseholders are treated fairly and provide for them to nominate an independent valuer so they receive fair recompense for their properties. The starting point should be that leaseholders are offered a like-for-like replacement of their property, or a similar offer, wherever possible.”

1.17 A report produced by the Joseph Rowntree Foundation in May 2016⁵⁰ includes a number of key points, including these:

- “Regeneration works best with the consent and involvement of residents. The panel should consider offering residents a vote on major regeneration proposals affecting their homes and estates in the same way as they are balloted on plans to transfer ownership of their homes.”
- “Given these wider policy considerations, all regeneration proposals should guarantee that there will be no net loss of social rented housing and a net increase in affordable housing alongside any plans for homes for sale and for market rent.”

1.18 The following reports were also relevant in the production of the provisions in this Annex:

- Demolition or Refurbishment of Social Housing? A review of the evidence by UCL Urban Lab and Engineering Exchange for Just Space and the London Tenants Federation⁵¹
- ResPublica. Great Estates: Putting communities at the heart of regeneration November 2016⁵²
- Altered Estates How to reconcile competing interests in estate regeneration 2016⁵³

⁴⁹ <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/knock-it-down-or-do-it>, on page 7

⁵⁰ <https://www.jrf.org.uk/report/estate-regeneration-briefing-expert-panel>, on pages 1 and 2.

⁵¹ <http://www.engineering.ucl.ac.uk/engineering-exchange/files/2014/10/Report-Refurbishment-Demolition-Social-Housing.pdf>

⁵² <http://www.respublica.org.uk/our-work/publications/great-estates-putting-communities-heart-regeneration/>

⁵³ http://www.levittbernstein.co.uk/site/assets/files/2444/alterd_estates_2016.pdf

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1.19 At Central Hill Estate in Lambeth, a substantial survey by residents found that 78% of their neighbours opposed demolition, with 4% in favour and 18% don't know. By contrast, an independent 'opinion test' designed by Lambeth claimed majority support.⁵⁴ Many questionnaires were filled out by researchers with council officers present at consultation events. 'Turnouts' were similar: between 65% and 72% if possible responses are limited to one per household, or around 38% to 40% of all adults. Responses must have depended on who asked the questions and how.⁵⁵

1.20 Only ballots can avoid situations like this, because ballots are inherently more inclusive and fair, if appropriately organised. This is why neighbourhood plan referenda are based on votes and not public consultations or surveys. The Forum advocates that the provisions aspirations in this Annex therefore should apply neighbourhood planning principles to Estate regeneration as well.

1.21 In addition, as stated above, many of the Isle of Dogs Estates had public votes to determine their transfer from LBTH to housing associations. Those decisions were not based on surveys or public consultation.

1.22 The Mayor of London now requires ballots for any regeneration scheme which will use public grant money for its redevelopment.⁵⁶ For the avoidance of doubt, 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.

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

1.22.1.1 To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community, and in considering the regeneration of Estates in the Area:

1.22.1.1.1 Residents of each Estate facing potential redevelopment must be enabled to participate fully in the redevelopment process of their own Estate.

1.22.1.1.2 They must be kept informed at every stage of the process through publicly available information.

1.22.1.1.3 They must be consulted on and, where reasonably practicable, actively engaged in the selection of contractors, architects and other consultants involved in the project.

1.22.1.1.4 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.

1.22.1.1.5 The final step in the involvement of residents should be a vote by the affected residents between multiple options.

1.22.1.1.6 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.

⁵⁴ Full figures: 47.6% for; 39.4% against; 13% undecided

⁵⁵ <https://moderngov.lambeth.gov.uk/mgAi.aspx?ID=32801>

⁵⁶ <https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/estate-regeneration>

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1.22.1.1.7 The vote must take place before any related planning application is submitted.

1.22.2 REASONS FOR ANNEX ASPIRATION ER1

1.22.2.1 A number of estate regeneration schemes in London have faced very active resistance from affected residents, as change has been imposed on them from above rather than with their active involvement. Whereas some estate regeneration schemes — such as New Union Wharf in LBTH — have involved active resident participation, including a ballot approving the demolition of the old homes and the building of new ones in their place. This Annex aspiration ER1 seeks to ensure that other estate regeneration schemes in the Area also achieve demonstrable community approval.

1.22.3 HOW ANNEX ASPIRATION ER1 WORKS

1.22.3.1 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.

1.22.4 ANNEX ASPIRATION ER2 — CONDUCT OF VOTES

1.22.4.1 To support Sustainable Development in the Area by ensuring positive engagement of the directly-affected community:

1.22.4.1.1 The vote referred to in Annex aspiration ER1 should be a clear choice between different options, the wording of which to be approved by the relevant residents' groups, the relevant landlords and LBTH Democratic Services in advance as being clear and unbiased. One option shall be a no change proposal.

1.22.4.1.2 If more than two options exist, then either multiple voting rounds must take place to narrow down the options to two, or a single transferable voting system can be used, in the reasonable judgement of LBTH Democratic Services.

1.22.4.1.3 The electorate shall be determined as part of the resident's consultation process for the Estates concerned in conjunction with the Independent Consultation Body. Votes should be conducted and counted by the Independent Organisation. Every reasonable effort should be made to maximise turnout by having the voting period over several days, and by ballots being able to be submitted electronically given appropriate security controls, as determined by the Independent Consultation Body.

1.22.4.1.4 The offer document detailing the options on the ballot paper shall be sent to residents at least 28 days in advance of the vote. The pros and cons of each option must be clearly set out in the document. The offer document must be reviewed by LBTH to ensure its accuracy and completeness.

1.22.4.1.5 When such offer document is distributed, recognised resident's associations shall be able to add their own literature stating their view on the options, which may include opposition to the proposals. The cost of printing and distribution shall be borne by the landlord. Although there should be freedom to express views, LBTH Democratic Services and/or the Independent Consultation Body should help to ensure that facts are distinguished from opinions. The explanation of proposals therefore needs to be clearly detailed.

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1.22.4.1.6 Counting of votes and declaration of results shall be by Estate. Results should also be aggregated by block or street as appropriate and by type of tenure, and made publicly available as well or at the same time as the final vote result. The specific arrangements shall be determined by the Independent Organisation in consultation with the relevant residents' groups and the landlords.

1.22.4.1.7 The vote shall be binding by Estate on a simple majority basis. Both the developer and residents shall be bound by the result, without prejudice to residents' other rights. The vote is just an agreement over whether or not the development can proceed to a formal planning application.

1.22.5 REASONS FOR ANNEX ASPIRATION ER2

1.22.5.1 This Annex aspiration ER2 seeks to ensure consistency in how ballots work locally, and that they are perceived to be free and fair.

1.22.6 HOW ANNEX ASPIRATION ER2 WORKS

1.22.6.1 Where a planning application is submitted for an Estate regeneration including a vote, LBTH Democratic Services should be consulted to confirm that they find the process undertaken acceptable and in line with this policy. If not, the planning application should be rejected.

1.22.7 ANNEX ASPIRATION ER3 – RESIDENT PARTICIPATION IN A TRANSPARENT, INCLUSIVE, OBJECTIVE DECISION-MAKING PROCESS

1.22.7.1 To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community, and to ensure residents can make informed decisions, the following are required before any final decisions are made or a vote is taken in respect of each Estate facing potential redevelopment:

1.22.7.1.1 A stock condition survey must be carried out by an independent body appointed by affected residents, the cost to be borne by the landlord. LBTH shall validate the results and process, and residents shall be given an opportunity to scrutinise the results with the help of suitably qualified independent advice.

1.22.7.1.2 Option Appraisal: The social, economic, and environmental costs and benefits of all proposed options for the future of an Estate should be assessed in detail to ascertain which are viable, as well as the pros and cons of each scenario. All assumptions and financial details should be published for all options for the future of Estates, whether proposed by residents or landlords, including those the landlord considers unviable. Information should be disclosed for all options: from no change except planned maintenance; to infill with no demolitions; to partial redevelopment; to full redevelopment at different densities.

1.22.7.1.3 Independent advice must be made available to residents. The selection of independent advisers shall be made solely by the relevant recognised residents associations, but the reasonable cost shall be borne by the landlord.

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1.22.8 REASONS FOR ANNEX ASPIRATION ER3

1.22.8.1 This Annex aspiration ER3 seeks to ensure that a ballot is based on objective and verifiable information, especially as to the condition of the estates; that all of the options have been properly analysed; and that residents understand the options before they vote.

1.22.9 HOW ANNEX ASPIRATION ER3 WORKS

1.22.9.1 Where a relevant planning application is submitted, which does not clearly demonstrate that these policies have been met, it should be rejected.

1.22.10 ANNEX ASPIRATION ER4 – RIGHT OF RETURN

1.22.10.1 To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community of each Estate facing potential redevelopment, any resident regardless of tenure must have the right of return, and specifically:

1.22.10.1.1 Residents must be enabled to stay in the Area throughout the process of demolition and construction if that is their choice.

1.22.10.1.2 Relocation of residents should be on a one move only principle where possible, with residents moving from their old home straight into their new home, as happened in New Union Wharf, through a phased demolition and construction programme. The use of temporary accommodation should be minimised, locally provided, and periods made as short as practically possible. Details must be clearly explained as part of proposals.

1.22.10.1.3 Residents must be able, through the planning process, to have an understanding of where they will be living in the future.

1.22.10.1.4 Residents must be enabled to return to the same Estate in which they originally lived.

1.22.10.1.5 Residents must be enabled to retain access to a car parking space if they already have that right.

1.22.10.1.6 There should be no adverse financial consequences (covering rent, service charges and removal costs) for residents as a result of their relocating, which would prevent their being able to return.

1.22.10.1.7 Where practically possible, residents should be re-homed close to their original neighbours, with groups of residents ideally being kept together.

1.22.10.1.8 Residents with direct access to gardens should be enabled to retain access to gardens or equivalent outside space wherever practically possible.

1.22.10.1.9 All reasonable costs directly incurred by affected residents' moving home must be borne by the developer.

1.22.11 REASONS FOR ANNEX ASPIRATION ER4

1.22.11.1 Estate regeneration affects people's homes. So affected residents should not be displaced from their homes (unless it is their own choice) except on a temporary basis. A

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scheme that does not ensure this is likely to fail on its ballot, so this Annex aspiration ER4 clarifies the detail of how temporary relocation should work.

1.22.12 HOW ANNEX ASPIRATION ER4 WORKS

1.22.12.1 The S106 agreement should where appropriate include the requirements in Annex aspiration ER4 as legally enforceable conditions.

1.22.13 ANNEX ASPIRATION ER5 – TENANTS’ RIGHTS AND COSTS

1.22.13.1 To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community in respect of each Estate facing potential redevelopment, and subject (where relevant) to LBTH’s legal obligations:

1.22.13.1.1 The existing security of tenure of affected Tenants shall remain unchanged.

1.22.13.1.2 Any expected cost changes, whether positive or negative, shall be expressly and clearly made known to all affected Tenants in advance of any vote or change (this applies to all tenures). Without limitation, this includes:

1.22.13.1.2.1 Heating and hot water costs

1.22.13.1.2.2 Service charges

1.22.13.1.2.3 Council tax

1.22.13.1.2.4 Insurance

1.22.13.1.2.5 Rent changes from taking a smaller or larger property

1.22.13.1.2.6 Any other costs which maybe applicable

1.22.13.1.3 Tenants’ existing rent levels must be retained (even if the new home has larger rooms), unless they move to properties with more or less bedrooms. Tenants should be able to choose if they wish to benefit from extra services that increase service charges, for example a concierge.

1.22.13.1.4 Regardless of changed service levels or whether Tenants’ new homes have fewer of more bedrooms, the regulatory status of rents must also be retained: ‘social’ target rents, defined by national regulations based primarily on local incomes, must remain ‘social’ rents, as opposed to rents being governed by regulations for ‘affordable’ target rents, based on market rates.

1.22.14 REASONS FOR ANNEX ASPIRATION ER5

1.22.14.1 A scheme that does not ensure protection of Tenants’ rights is likely to fail in its ballot. This Annex aspiration ER5 clarifies tenants’ rights in the case of Estate regeneration. It also ensures consistency across regeneration schemes in the Area by setting a minimum level of Tenants’ rights.

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1.22.15 HOW ANNEX ASPIRATION ER5 WORKS

1.22.15.1 The S106 agreement should where appropriate include the requirements in Annex aspiration ER5 as legally enforceable conditions.

1.22.16 ANNEX ASPIRATION ER6 – LEASEHOLDER AND FREEHOLDER RIGHTS

1.22.16.1 To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community in respect of each Estate facing potential redevelopment, and subject (where relevant) to LBTH's legal obligations:

1.22.16.1.1 Affected Leaseholders and freeholders shall have the right to receive a new property of at least equivalent size, location, aspect, and height without paying either additional ground rent or service charges. Owners should be able to choose if they wish to benefit from extra services that increase service charges.

1.22.16.1.2 The existing rights of affected Leaseholders shall not be adversely affected, with no adverse change to their existing lease terms.

1.22.16.1.3 Any expected cost changes, whether positive or negative, shall be expressly and clearly made known to all affected Leaseholders in advance of any vote or change. Without limitation, this includes:

1.22.16.1.3.1 Heating and hot water costs

1.22.16.1.3.2 Service charges

1.22.16.1.3.3 Council tax

1.22.16.1.3.4 Insurance

1.22.16.1.3.5 Ground rent changes from taking a smaller or larger property

1.22.16.1.3.6 Any other costs which may be applicable.

1.22.16.1.4 Affected Leaseholders and freeholders shall initially retain (as a minimum) an equity share in their new property equivalent to the true market value of their existing property as determined by the Independent Consultation Body (or an independent valuer appointed by that Body), and shall not be less than the price which the freeholder or Leaseholder paid for their existing property.

1.22.16.1.5 As determined by the Independent Consultation Body (or an independent valuer appointed by that Body), affected Leaseholders and freeholders shall be able in the future to obtain 100% ownership of the new property without having to pay any additional sums. The exact length of time shall be determined in advance of any public vote.

1.22.16.1.6 Annex aspiration ER2 (2) also applies.

1.22.16.1.7 Affected Leaseholders and freeholders should be given the option to upsize or downsize. A robust and fair process must be agreed by the Independent Consultation Body in consultation with the relevant residents' groups of Leaseholders and freeholders in advance of any public vote.

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- 1.22.16.2 ~~As new properties may be valued at considerably more than original homes, and as many owners would not be able to afford to buy new properties outright:~~
- 1.22.16.2.1 ~~Owners who choose to return, (as opposed to those choosing to take market value compensation and move away), must be able to obtain 100% ownership of their new property at some point in the future without having to buy more equity in addition to what they could originally afford.~~
- 1.22.16.2.2 ~~This is conditional on owners using all of their market value compensation and Home Loss payment to buy as large a share as possible.~~
- 1.22.16.2.3 ~~The landlord 'topping up' owners' equity like this is known as a Home Swap model, as detailed in the Estate Regeneration National Strategy.⁵⁷~~
- 1.22.16.2.4 ~~The qualifying period before owners reach 100% ownership – normally 7 years – should be detailed in advance of any public vote.~~
- 1.22.16.3 ~~Landlords should also report on the possibilities of 'early buy back' options. Where 'returning' owners use their compensation to buy a share of a new home early, possibly before it is built, thereby reducing landlord's borrowing costs.~~

1.22.17 REASONS FOR ANNEX ASPIRATION ER6

- 1.22.17.1 ~~A scheme that does not ensure the rights set out in this Annex aspiration ER6 is likely to fail in its ballot. This Annex aspiration ER6 clarifies Leaseholders' and freeholders' rights in the case of Estate regeneration. It also ensures consistency across regeneration schemes in the Area by setting a minimum level of rights for Leaseholders and freeholders.~~

1.22.18 HOW ANNEX ASPIRATION ER6 WORKS

- 1.22.18.1 ~~The S106 agreement should where appropriate include the requirements in Annex aspiration ER6 as legally enforceable conditions.~~

1.22.19 ANNEX ASPIRATION ER7 – ADOPTING GEORGE CLARKE REVIEW RECOMMENDATIONS

- 1.22.19.1 ~~To support Sustainable Development in the Area, this Plan endorses the recommendations for housing regeneration areas put forward in the George Clarke review for the Department of Communities and Local Government⁵⁸, which are summarised as follows:~~
- 1.22.19.1.1 ~~Refurbishing and upgrading existing homes should be the first and preferred option rather than demolition. Full engagement with the community is required for any existing homes regeneration programme. The local community and stakeholders should be able to make informed decisions about the future of their homes and areas and consultation with them should be clear, open and unbiased. Demolition of existing homes should be the last option after all forms of market testing and options for refurbishment are exhausted.~~

⁵⁷ <https://www.gov.uk/guidance/estate-regeneration-national-strategy>

⁵⁸ <https://www.gov.uk/government/news/91-million-cash-to-tackle-over-6000-empty-and-derelict-homes>

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- 1.22.19.1.2 If, following an open and transparent community consultation process and after rigorous market testing for refurbishment, demolition is still the preferred choice of the community, then Tenants/owners should be offered 'like for like' properties. Temporary accommodation should be a last resort. Where possible, people should be offered the choice to move to accommodation more suited to their needs.
- 1.22.19.1.3 If owners/Tenants are moved to a new property, they should suffer no net financial loss beyond what they would expect as a reasonable increase if they remained in their existing home and in line with inflation.
- 1.22.19.1.4 Areas should not be systematically 'wound down', which is a process that destroys communities and reduces house prices in the area. Where people are required to move out of their homes, this should be done in a considered and co-ordinated way which supports residents and prevents individuals being left in deserted streets. If homes are to be demolished, they are to be emptied and demolished as quickly as possible to make way for new development.
- 1.22.19.1.5 Homes should not be emptied at all until full planning permission has been fully approved for demolition and new build development in advance (with majority support from the local community) and the required funding for the new development is fully secured with a clear timetable for delivery.
- 1.22.19.1.6 If an area of existing housing requires improvement, remodelling or redevelopment, then a 'mixed and balanced' urban design scheme should be considered where existing properties are retained and improved while being mixed with appropriate new build development.
- 1.22.19.1.7 Local Authorities and Housing Associations should promote and encourage alternative methods of project procurement for the refurbishment of empty homes such as Homesteading, Co-operatives and Sweat Equity schemes. These are community-based schemes that encourage community involvement while providing better value for money.
- 1.22.19.1.8 Wherever possible, displaced occupiers should be given a "right to return" following the completion of a housing renewal programme. In practice this means giving first refusal to new or refurbished houses at the same price as the compensation paid to the occupier when they were displaced.
- 1.22.19.1.9 Where a regeneration scheme is withdrawn or partly withdrawn prior to demolition, owners should be given first refusal to have their home back (where safely habitable). The property should be offered at the same price as the compensation they received minus any compensation due for remedial work to return the property to the condition it was in prior to sale.
- 1.22.19.1.10 Where properties decanted for renewal schemes are left empty for more than six months, and where decency levels permit, they should be openly offered for temporary accommodation.

1.22.20 REASONS FOR ANNEX ASPIRATION ER7

- 1.22.20.1 These are Government recommendations that should carry some weight locally in the planning process in any event. Including them as an Annex aspiration in the Plan is intended to give them greater weight when relevant applications in the Area are considered.

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ASPIRATION ER X [the numbering needs to follow through]

1.22.20.2 The S106 agreement should where appropriate include the requirements in Annex aspiration ER7 as legally enforceable conditions.

ANNEX ASPIRATION ER X – ESTATE SMALL BUSINESSES, RETAILERS, AND COMMUNITY ORGANISATIONS

To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community of each Estate facing potential redevelopment, and subject (where relevant) to LBTH's legal obligations, the Forum advocates:

If a landlord proposes to demolish commercial premises on an Estate, affected Leaseholders using them should be formally consulted by the landlord in their own distinct group from an early stage, and represented on a formal consultation body alongside Tenants and resident Leaseholders if they wish.

Subject to the provisions of the Landlord & Tenant Act viability of the proposed development, if market rents for new premises will be higher than existing rates, commercial Leaseholders should be offered where appropriate sub-market rents to the match their old rates per square metre, and premises of suitable size with suitable length long leases.

REASONS FOR ANNEX ASPIRATION ER X

1.23 This Annex aspiration ER8 is intended to ensure that the needs of small businesses and community organisations are considered in relation to Estate regeneration applications in the Area, with a view to achieving Sustainable Development.

HOW ANNEX ASPIRATION ER X WORKS

1.23.1.1 The S106 agreement should where appropriate include the requirements in Annex aspiration ER8 as legally enforceable conditions.

ANNEX ASPIRATION ER X – PUBLIC PROFIT REINVESTMENT

1.23.1.2 To support Sustainable Development in the Area by ensuring positive engagement of the community in respect of each Estate facing potential redevelopment, and subject (where relevant) to LBTH's legal obligations, the Form advocates that any profit surpluses generated by Public Landowners in the Area should be re-invested in the Area, for example through Infrastructure investment or maintenance.

1.23.1.3 Where such a profit surplus is generated, the Forum advocates that the Public Landowner must indicate in advance to all directly affected parties and to the Forum how it intends to deal with that surplus profit. The Forum must be included as a consultee on draft conditions and heads of terms for, and as a party to, any s106 agreement.

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Isle of Dogs Neighbourhood Plan – Examiner's Edits

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REASONS FOR ANNEX ASPIRATION ER~~x~~

- 1.23.1.4 LBTH, due to the stock conditions transfer terms, may be in line to receive a 50% share of any profits from Estate regeneration.⁵⁹
- 1.23.1.5 Canal & River Trust is a Public Landowner that also generates large sums in the Area which has historically been spent elsewhere.
- 1.23.1.6 To ensure that any decisions made by LBTH are seen as impartial, it should be made explicit that any profit it makes from Estate regeneration in the Area is re-invested back into the Area for the benefit of the local community.
- 1.23.1.7 The docks require long term maintenance and investment to stay open and working. It would seriously damage the character and attractiveness of the Area if the docks were further reduced or closed to shipping, and would imperil both the docks', and the Area's, long-term sustainability.
- 1.23.1.8 It is therefore essential that the docks' long term future not be put in doubt as the result of further significant funds generated from them being spent elsewhere. They are an asset of the Area, and without them we would no longer be an island.

HOW ANNEX ASPIRATION ER~~x~~ WORKS

1.24 If a local surplus is generated by Public Landowners as a result of a successful planning application for Estate regeneration, then the Forum advocates that 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 ER~~x~~. Should the profit surplus be generated through the sale of land to a third party, the Forum advocates that the Public Landowner should make clear in its accounts what happens to it. the profit generated as a result of having received the land for free or for below market value.

⁵⁹ For example:

<http://www.towerhamletsfoi.org.uk/documents/9144/Development%20Clawback%20Agreement%20-%2027%20July%202009.pdf>

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A 2 – HELPING ESTABLISH NEW RESIDENTS ASSOCIATIONS

CONTEXT

- 1.25 Residents of communal living developments typically discuss with each other common issues, may set up social media groups to communicate with each other, and slowly start to form residents' associations to have a formal role in the buildings they live in.
- 1.26 In large, especially high rise, residential developments, such a process can take a long time, be extremely frustrating, and lead to difficulties for landlords and their managing agents. This is because regulatory requirements for residents' associations is that more than 50% of the service-charge-paying Leaseholders must be members before an association should be recognised.
- 1.27 If landlords formally recognise an association when the mandate is less than the 50% ~~the regulations require before~~ they could have recognition forced on them by a property tribunal, they could be criticised by residents who have not mandated the association to agree to spending decisions on their behalf, and who might then refuse to pay the service charges incurred to fulfil those spending decisions.
- 1.28 It is extremely difficult for a resident group in an already populated modern high rise residential building to achieve such a threshold, especially where the majority of the flats in the building are owned by foreign investors so only a minority can be effectively petitioned. This situation is increasingly common on the Isle of Dogs.
- 1.29 Moreover, the security in modern large residential buildings is such that residents may well be unable to access the homes of residents on other floors.
- 1.30 Achieving the required 50% mandate may therefore be practically impossible after a large residential building is populated.
- 1.31 The NPPF says: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other."*⁶⁰

ANNEX ASPIRATION GR1 – HELPING ESTABLISH NEW RESIDENTS' ASSOCIATIONS

- To support Sustainable Development in the Area, and to facilitate the establishment of recognised residents' associations in residential Strategic Developments, ~~the Forum advocates that~~, as part of the ~~any~~ S106 agreement for such ~~relevant~~ new developments, developers ~~should~~ ~~must be encouraged to ensure that~~:
- The principal landlord includes in all its residential unit leases automatic membership of a formally recognised residents' association, with authority for the landlord or its agent to collect appropriate funds for the association as part of the service charge; and
 - Before leasing any residential unit, such landlord establishes a model constitution for the association (in a form capable of formal recognition by the landlord) and all other necessary arrangements for it to function effectively; and

⁶⁰ NPPF, paragraph 91.

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- Appropriate parties independent of such landlord or developer are appointed to act as the initial association committee pending their substitution by residents of each development.

REASONS FOR ANNEX ASPIRATION GR1

1.31 The Forum considers that if all Leaseholders are by default signed up to a recognisable and recognised association when they take their lease from the landlord, this entire problem evaporates.

1.32 Having a formally recognised residents' association from the outset will enable landlords to have a residents' organisation with whom to discuss issues, and enable residents to have a formal role in the management of their buildings as soon as they each take up occupation.

1.32.1 HOW ANNEX ASPIRATION GR1 WORKS

1.32.1.1 S106 agreements should include a provision detailing how the developer will meet this policy requirement, and should include a copy of the model constitution.

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A.3 – COMMUNITY INFRASTRUCTURE LEVY (CIL) SPENDING PRIORITIES

1.33 This section comprises a set of recommendations to LBTH, as the Forum's aspirations for the spend of CIL receipts in the plan area.

1.34 This does not have the force of a Plan policy. It sets out the Isle of Dogs' community's wishes as to how we want LBTH to apply all the CIL generated in our Area, and therefore constitutes the community's formal recommendation to the Council.

1.35 The Forum requests that LBTH should take note of this and weigh it accordingly when determining the application of CIL generated in the Area and not just of the Neighbourhood Pot, bearing in mind that not only is a disproportionate amount of the Borough's CIL generated by development in our Area; but it is the current and future Isle of Dogs community that is bearing the brunt of such development, and whose resultant fast-growing Infrastructure needs are intended to be in part offset by the use of the CIL generated in the Area.

1.36 Government regulations require that a proportion of funds raised from CIL where development takes place will be allocated to spending agreed with that local community. Once a CIL charging regime is in force, the regulations stipulate that this must amount to 15% of CIL receipts. Where a Neighbourhood Plan is in force, this increases to 25%.⁶¹

1.37 However, in view of the unprecedented scale and intensity of development taking place in the Area, and the acknowledged resultant need for Infrastructure investment vastly exceeding even 100% of the CIL generated in the Area, the Isle of Dogs community wishes all such CIL generated in the Area to be applied to works that are preferably in the Area, or are at least of direct benefit to the Area.

1.38 Initial priorities for such spending should be based on the DIFS produced by Peter Brett Associates as part of the OAPF⁶² (or any successor report). The DIFS assumes that all CIL generated in the Area is used for Infrastructure benefiting the Area.⁶³

1.39 The order of priority for those works is as set out in the DIFS⁶⁴, and reproduced below. The same list of projects and priorities for the Neighbourhood Portion of the CIL generated in the Area will apply unless and until a Long Plan has been adopted for the Area (as a successor to this Plan) that, and if and insofar as it, identifies different works and priorities.

1.40 The Isle of Dogs community also recommends that any and all S106 and 'New Homes Bonus' money earned in the Area is spent on the same list and priority of works, in light of the substantial Infrastructure funding gap identified in the DIFS.

1.41 The priorities for the application of CIL are as follows:

- Critical enabling. This category includes all Infrastructure that is critical to facilitate a development. Without these works development cannot proceed.
- Essential mitigation. This category includes all Infrastructure that we believe is necessary to mitigate the impacts arising from the development. The usual examples of essential

⁶¹ The Community Infrastructure Levy (Amendment) Regulations 2013, Reg 8

⁶² <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/opportunity-areas/opportunity-areas/isle-dogs-and-south-poplar-opportunity-area>

⁶³ DIFS, page 51

⁶⁴ DIFS, page 17

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mitigation are projects which mitigate impacts from trips or population associated with a development, including school places, health requirements and public transport (service) projects.

- High priority. This category includes all Infrastructure that support wider strategic or site specific objectives which are set out in planning policy, but would not necessarily prevent development from occurring, although that would need to be considered on a case by case basis.
- Desirable. This defines all projects that are deemed to be of benefit but would not prevent, on balance, the development from occurring or from being acceptable if they were not taken forward.

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A4 – LONG NEIGHBOURHOOD PLAN

1.42 This Basic Plan will, when ~~made adopted~~, be a ~~standalone~~ Plan that will ~~form part of the statutory development plan for the area.~~ ~~work with other planning tools.~~

1.43 However, the Isle of Dogs Neighbourhood Planning Forum has decided to take an unusual approach. It is submitting this Neighbourhood Plan (the Basic Plan), while in parallel working on a more detailed Neighbourhood Plan (the Long Plan), with the intention that the Long Plan will then replace this Plan.

1.44 This is because many more planning applications are likely to be decided before a comprehensive Neighbourhood Plan is complete. The policies and recommendations in this Basic Plan are therefore intended to address the most urgent issues, while work on a more comprehensive Neighbourhood Plan is progressed.

1.45 The subject areas and ideas being worked on for the Long Plan are set out on the Forum's website.⁶⁵

⁶⁵ <http://isleofdogsforum.org.uk/the-long-plan/>

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A.5 – PARISH/TOWN COUNCIL FOR THE ISLE OF DOGS

- 1.46 One of the possible methods for delivering the long-term objectives of the community is by setting up a Parish or Town Council for the Isle of Dogs using the boundaries of the Isle of Dogs Neighbourhood Planning Forum, potentially combined with adjacent areas which may wish to join the Parish Council.
- 1.47 Town and parish councils are the first level of local government. They provide communities with a democratic voice and a structure for taking community action. (Despite the name, they have nothing to do with churches, and can also be called Community Councils). More than a third of people in England currently have a town or parish council, and the Government is making it easier to set one up. But they have not existed in London since the 1963 Greater London Act which abolished them. The Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011 re-introduced the ability to set up new Parish Councils. Queens Park in West London is the first one in London.
- 1.48 A Parish Council would not replace Tower Hamlets Council for the majority of its responsibilities, but would have the ability to act locally on local issues, and could have the ability to raise its own funds via a precept (an addition to the Council Tax) and run some local services.
- 1.49 There is a wider issue for Tower Hamlets Council: how to manage the enormous population growth, and the increasing disconnect between wards which are not growing and those which are. Areas in Tower Hamlets are becoming increasingly dissimilar, and it will therefore become increasingly difficult to manage the Borough centrally on a top down basis. But it would not make economic sense to break up the Borough as you lose economies of scale.
- 1.50 The solution may well be local issues managed by Parish Councils, and everything else by the Borough.
- 1.51 There are two routes to starting the process to look at setting up a new Parish Council:
- Collecting signatures on a petition; or
 - *“A neighbourhood forum that’s had a neighbourhood development plan passed at referendum can trigger a community governance review without needing a petition.”*⁶⁶
- 1.52 Approving this Neighbourhood Plan could therefore require LBTH to initiate such a community governance review to see if a local Parish Council should be created.
- 1.53 To be clear, this Plan does not commit the Isle of Dogs community to triggering such a review, nor to the actual setting up of a Parish Council. That would be subject to a separate decision-making process on whether or not to set up a Parish Council for the Isle of Dogs using the boundaries of the Forum Area. It just dispenses with the need for a specific petition to start the LBTH community governance review process.
- 1.54 Whether the communities in the adjacent areas originally included in the Forum’s recognition application submitted on the 1st December 2014 – which was larger than the Forum Area officially recognised by the Council – wish to join an Isle of Dogs Parish Council, would be the subject of a separate consultation.

⁶⁶ <https://www.gov.uk/government/news/making-it-easier-for-communities-to-set-up-new-town-and-parish-councils>

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2 ~~SECTION 9 – NEXT STEPS~~

~~2.25 Step 1 was for a minimum 6-week statutory public consultation on the contents of the Regulation 14 draft of this Plan which started on 1st April 2019 and ended on 26th May 2019.~~

~~2.26 Step 2 was to review the comments submitted in response to the consultation, and where appropriate make changes to the Plan.~~

~~2.27 Step 3 is to submit this amended Plan to LBTH, who will then start their own 6-week statutory public consultation.~~

~~2.28 Step 4 is an independent examination to check that the Plan meets the statutory requirements.~~

~~2.29 Step 5 is a public referendum, where registered voters are asked to vote on whether or not to accept the Plan. If the majority vote ‘yes’, the Plan will then be adopted by LBTH and will have legal force until 31st December 2031.~~

The Forum’s details are:

Website: www.isleofdogsforum.org.uk

Email: contact@isleofdogsforum.org.uk

Twitter: @IsleofDogsForum

Facebook: www.facebook.com/IsleofDogsNeighbourhoodPlanningForum

Telephone: 0300 030 6033

Address: Isle of Dogs Neighbourhood Planning Forum, 17 Ensign House, Admirals Way, Isle of Dogs, London E14 9XQ

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Isle of Dogs Neighbourhood Plan 2019 – 2031



Referendum Version

19 May 2020

(Examiner's Report received 14 April 2020)

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1. Context

Why we need a neighbourhood plan

- 1.1. The Isle of Dogs is the fastest growing place in the UK, with an unprecedented level of development activity underway from a diverse set of developers from across the world. Unlike some other major development areas in London, we do not have one key developer but many different ones operating independently of each other. As a result, awareness of development is less than in areas with one main developer like the Greenwich Peninsula.
- 1.2. South Quay and Millharbour will be the densest residential area in the UK, and even those parts of the island further away from the most intense development will still be affected due to the geographical constraints of the island. We will all be relying on the same Infrastructure wherever we live on the island.
- 1.3. The Isle of Dogs has made several profound transitions over the past two centuries. From being London's best pasture land for fattening cattle, to the development of the docks opening the UK up to the world, to a major centre of industrial manufacturing, to the expansion of the City of London in the 1980s, to a new financial centre at Canary Wharf.
- 1.4. Now we are undergoing another transformation with the 1980s-built offices and warehouses being replaced with the tallest residential buildings in the UK. Nowhere in the UK – or even in the whole of western Europe – will be as tall and dense as our Area.
- 1.5. There has not been a lack of planning. As Professor Matthew Carmona from the Bartlett School of Planning shows in his paper "The Isle of Dogs: Four development waves, five planning models, twelve plans, thirty-five years, and a renaissance . . . of sorts"¹ published in 2009, there has been lots of planning. But what has been missing is a plan that involves and directly relates to the community; which is ambitious for the Area; which is as focussed on execution of the plan as it is on the plan itself; and which looks at the Area as a unique system requiring unique solutions.
- 1.6. Our objective is to make the Isle of Dogs the best place to live in London for existing and future residents, making this truly Sustainable Development.
- 1.7. In the introduction to the first draft of the South Quay Masterplan, Sir Edward Lister, the then Deputy Mayor for London responsible for Planning, said in October 2014: "South Quay is enjoying unprecedented interest from developers all of whom want to bring forward their own plans. While we want to see the comprehensive regeneration of the area, what we cannot allow is a situation where planning is granted on a first-come-first-served basis with no overall strategy, as this could eat up valuable space, have a negative impact on the public realm and potentially cause other schemes to collapse."²
- 1.8. October 2014 was also when residents first decided to set up the Isle of Dogs Neighbourhood Planning Forum for much the same reasons as Sir Edward outlined.

¹ <http://discovery.ucl.ac.uk/92961/>

² <https://www.london.gov.uk/press-releases/mayoral/south-quay-masterplan-looks-at-tall-buildings>

- 1.9. Perhaps the best illustration of the scale of growth is to look at New Homes Bonus receipts from the Government which are granted as a reward to Councils for delivering new homes. Since its inception, Tower Hamlets has always been the largest recipient in the country, earning even more than the whole City of Birmingham between 2012 and 2019.

Financial Year	Tower Hamlets	Next largest recipient in year
2011/12	£4.3 million	£3.7 million Islington Council
2012/13	£10.1 million	£7.4 million Birmingham City Council
2013/14	£16.1 million	£10.3 million Birmingham City Council
2014/15	£19.5 million	£15.1 million Birmingham City Council
2015/16	£24.8 million	£17.8 million Birmingham City Council
2016/17	£28.6 million	£21.1 million Birmingham City Council
2017/18	£23.9 million	£17.1 million Cornwall UA
2018/19	£20.7 million	£12.9 million Wandsworth Council
2019/20	£19.2 million	£13 million Wandsworth Council
2020/21	£22 million	£15 million Newham Council
Total	£189.4 Million	

Table 1: New Homes Bonus – Tower Hamlets number one recipient of Government cash every year

- 1.10. This plan is uniquely focused on dealing with the scale of growth currently underway and expected to emerge over the next decade as our neighbourhood Area continues to be the most important deliverer of new homes and jobs in the country.

Strategic Planning Context

- 1.11. The Isle of Dogs (as a whole) is the fastest growing part of the London Borough of Tower Hamlets, which in turn is the fastest growing borough in London, and indeed probably the country (for its size). Aspirations for the growth of Isle of Dogs (as a whole) have been repeatedly revised upwards – from 3,500 homes in 2004 to 29,000 homes in 2018. Transport

for London's high-growth assumptions for a "worst-case" scenario is 59,000 homes, and some 19,500 homes already have planning permission³.

- 1.12. The Isle of Dogs (including Canary Wharf) is important to securing a very significant contribution to London's housing supply and jobs targets. The GLA's Opportunity Area Planning Framework for the Isle of Dogs and South Poplar sets out the need and timing for some £1 billion of additional Infrastructure investment to support this level of growth, the practical detail and funding for much of which has yet to be identified, let alone guaranteed.

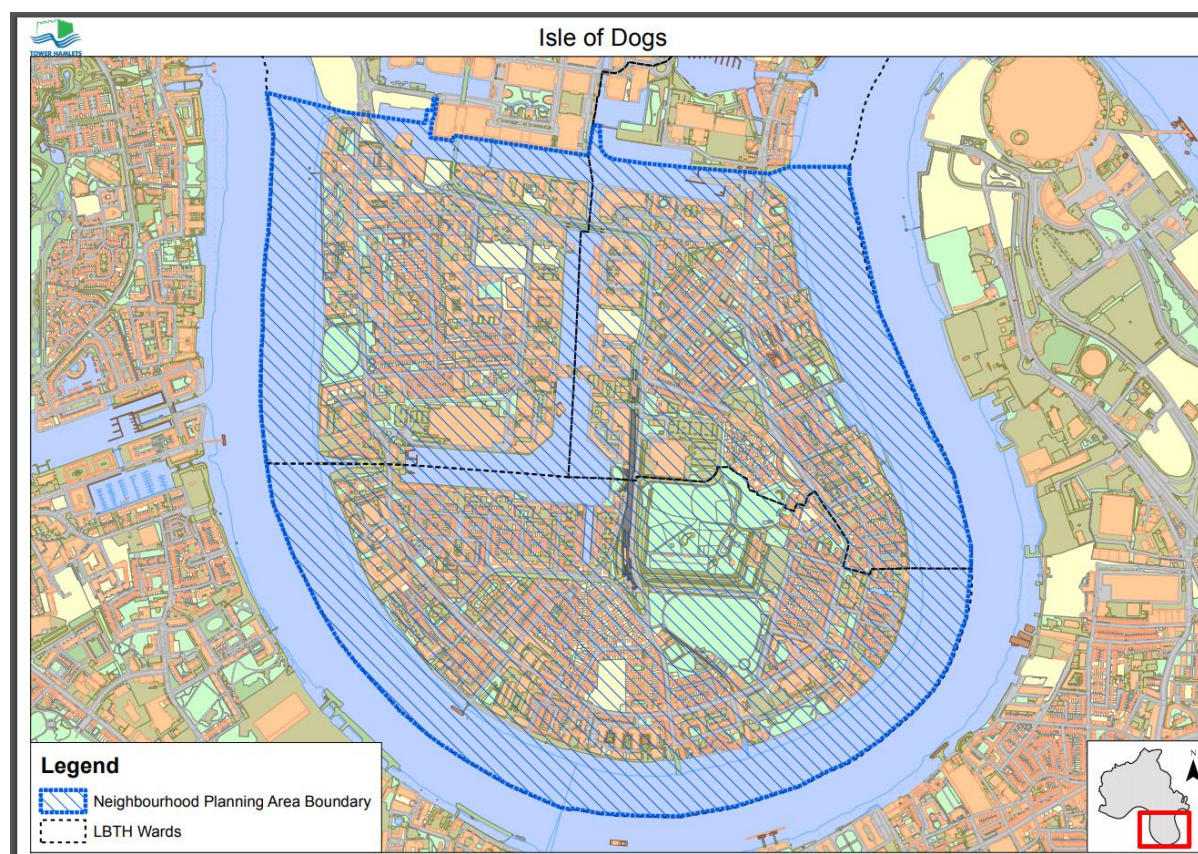


Figure 1: Isle of Dogs Neighbourhood Area, as approved by Tower Hamlets Council on 5th April 2016

Isle of Dogs Community Vision and Objectives

- 1.13. The following vision and objectives were drafted by the Isle of Dogs community before embarking on the drafting of a formal Neighbourhood Plan. They do not form part of the statutory part of this Plan, and some of the objectives may well be delivered through other means, or have been adjusted following further consideration of the policies in the Plan. It is included here solely to provide context for the policies in the Plan, and to demonstrate the wider aspirations of the community:

"A liveable environment in which our diverse community can work, rest and play"

³ 2004 figure: London Plan 2004, Table 5C.1; 2018 figure: London Plan Intend to Publish Version, Table 2.1; TfL figure: Isle of Dogs and South Poplar OAPF Transport Strategy, p.6; Existing permissions figure: Isle of Dogs and South Poplar OAPF, p.17.

- 1.14. We the people of the Isle of Dogs believe that our island is a great place to live and work, but it is undergoing enormous change. We have come together to form a Neighbourhood Planning Forum for the Isle of Dogs to work collectively to produce policies which will guide the future development of our Area.
- 1.15. The Isle of Dogs is more than just a dormitory for Canary Wharf. It should be a destination in its own right, with everything people need on a daily basis within walking distance, and where we can imagine enjoying living and working at all stages of our lives.
- 1.16. Our vision is of a relaxed, quiet, safe and secure home, that has the best of London on its doorstep, but uses its island location to create something unique and special. We want to maximise enjoyment of our very special access to the river and docks, and enhance and grow our green spaces. Our plans should work equally well for all residents regardless of age, income or other characteristics, and at any time of the day or night. We need to plan for the whole Area to work together seamlessly.
- 1.17. Given the enormous scale of development, with the Isle of Dogs delivering a very large proportion of the GLA's overall housing target for Tower Hamlets of 3,511 new homes every year⁴, making our island the tallest and most densely packed residential area in western Europe, we need a Plan that will ensure a high quality of life for all residents and workers – both those already here and those still to come – and with any re-development plans for existing homes fully involving the communities who already live there, empowering them to make active choices about their future.
- 1.18. 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. Otherwise our island will become un-liveable: contrary to the interests of existing and prospective residents, of local businesses and their workers, and of developers.
- 1.19. The Isle of Dogs is a unique place requiring unique solutions, and we have the following key objectives (but these are not Neighbourhood Plan policies):
 - Sustainable development that works for those already here, as well as for future residents and workers.
 - Infrastructure that is planned and delivered in advance of development, and is sized to cope with all future likely development, and is not delivered incrementally and in isolation.
 - Policies that address the construction process as well as afterwards.
 - A safe and secure environment which works for all age groups who live and work in our Area.
 - A cohesive community that brings people together from across the island.
 - Sufficient indoor and outdoor spaces for people to enjoy, which are open to the public to use, including space where children can play, and everyone can relax.

⁴ Reduced from 3,931 pa. London Plan, Policy H1 Increasing housing supply , Table 4.1

- An environment that works for everybody at different stages of their life; that works equally well for people with disabilities, the young and the old; and that caters to the different interests we have.
- Ensuring that everything people need is within safe walking distance.
- Quick, efficient and free-flowing transport options – whether cycling, walking, buses, DLR, boats or cars – all working together effectively.
- Affordability of homes, living, businesses and leisure should be factored in at every stage.
- A healthy, clean, and relaxed environment where it is easy and safe to exercise.
- A mixture of different types of development: not just residential, but also offices, small businesses and workshops, creative spaces and independent retailers.
- Exploit the best of new technologies to make our lives easier and safer, especially some of the new ‘Smart Cities’ technology; and ensure we have the networks to support growth.
- Our Plan should work equally well at any time of the day or night, and on any day of the week.
- When proposals come forward to replace existing residential buildings, existing residents should be fully involved in the decision-making process, with their rights protected, ensuring they have real choice and the ability to stay in their area affordably.
- Preservation of the assets we already have, including our docks, river access, historic buildings, green spaces, play areas and community facilities.
- Plan for the long-term delivery and execution of our vision once the Neighbourhood Plan has been adopted, which may include new forms of governance.
- Work closely with neighbouring forums to ensure our plans are synchronised.
- Beauty In My Backyard (BIMBY): not anti-development (NIMBY).
- Work collectively with Tower Hamlets Council, the GLA, Transport for London, developers and other stakeholders to deliver our vision for the long term. It is in all of our best long term interests that the Isle of Dogs continues not only to function, but also to flourish.

2. SUMMARY

- 2.1. The following sections contain the policies in the Isle of Dogs Neighbourhood Plan, as well as the context for each group of policies, the reasons for each policy, and an explanation of how each policy works. These policies will remain in force until the end of 2031 to align them with the Local Plan, unless and until replaced sooner by a successor Development Plan. The policies in this section must be taken into account in reaching development management decisions in the Area.

SUMMARY OF NEIGHBOURHOOD PLAN POLICIES

Chapter 3 – Density

D1 – Infrastructure Impact Assessments. Applications for large residential 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.

D2 – High density developments. High density developments to specify how they conform to the GLA's Housing SPG.

Chapter 4 – Empty sites

ES1 – Use of empty sites. Encourage developers to release empty land and buildings on a temporary basis for community use (e.g. as a pocket park, market, etc.) pending the start of construction.

Chapter 5 – Construction Management and Communication

CC1 – Construction coordination. Changes to construction management with impacts beyond Major or Strategic Development site boundaries to be approved in advance.

CC2 – Construction communication. Communication required with local residents and other stakeholders before changing normal working hours and methods.

CC3 – Control of dust and emissions during construction and demolition. Compliance with the GLA's Dust and Emissions SPG to be specified.

Chapter 6 – Sustainable Design

SD1 – Sustainable Design. Planning applications encouraged to demonstrate how BREEAM and Home Quality Mark standards (or any future replacement standards) can be met.

Chapter 7 – 3D Model

3D1 – 3D model for applications. 3D models to be required for large-scale planning applications.

Chapter 8 – Estate Regeneration Resident Ballots

RB1 – Resident Ballot Requirement. Relevant estate regeneration projects expected to apply for GLA grant funding, including satisfying the GLA's resident ballot requirement.

Chapter 9 – The Long Neighbourhood Plan

Intention to write an enhanced and more detailed Neighbourhood Plan to build on and replace this Basic Plan.

Chapter 10 – Parish/Town Council for the Isle of Dogs

Implications of adopting the Plan on the process towards a possible Town Council in future.

SUMMARY OF ANNEX ASPIRATIONS

A1 – Estate regeneration

ER1 – Estate small businesses, retailers, and community organisations. Commercial leaseholders to be formally consulted on estate regeneration projects, and offered appropriate premises following redevelopment.

ER2 – Public profit reinvestment. Public landowner surpluses encouraged to be spent within the Area.

A2 – Grandfathering new residents’ associations

GR1 – Helping establish new residents’ associations. Developers to facilitate residents’ associations in new large developments from the outset.

A3 – Summary of CIL Recommendations

CIL – All Community Infrastructure Levy (CIL) generated in the Area should preferably be invested in the Area, or at least be of direct benefit to the Area, and on the works and priorities identified in the OAPF’s Development Infrastructure Funding Study (DIFS).

A4 – Air Quality

AQ1 – Air Quality. Adverse air quality impact of planning and development to be minimised.

3. DENSITY AND INFRASTRUCTURE POLICIES

CONTEXT

- 3.1 The Isle of Dogs is experiencing unprecedented residential development density, with many large and closely packed residential buildings being built and proposed by multiple developers.⁵
- 3.2 Existing and consented developments are already outstripping the currently available Infrastructure, with incomplete and substantially unfunded plans for addressing this, let alone for developments yet to be approved.⁶
- 3.3 As the LBTH Mayor has said: *“The Isle of Dogs includes some of the highest residential development densities in the country. I’m a great fan of Neighbourhood Planning Forums. The question they pose to me is to make sure that we don’t solve today’s housing crisis by storing up big infrastructure shortages for the future.... Most people buy into the future, but not at any price.”*⁷
- 3.4 Numerous public authorities, utility providers and private businesses are responsible for different kinds of Infrastructure. So it is difficult for developers, planning officers and planning committees to appreciate clearly how each proposed development would affect the overall Infrastructure environment, and then make judgements accordingly.⁸
- 3.5 The official Infrastructure evidence is that supporting the Local Plan (Infrastructure Delivery Plan) and the OAPF (Development Infrastructure Funding Study). The Forum’s Evidence Base – see website – includes a summary table of recent Tower Hamlets Council Strategic Development Committee reports in the E14 post code area.⁹ These Committee reports set out for Councillors on the Committee as well as stakeholders the key issues and policies for consideration before a decision is made. As can be seen from the examples, they generally do not mention Infrastructure in any great detail, nor the Infrastructure planning documents, including the GLA’s Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) or the LBTH Infrastructure Delivery Plan. This is why an Infrastructure Impact Assessment as required by Policy D1 needs to be provided, so that Councillors and stakeholders have access to comprehensive, up to date, and meaningful Infrastructure information in properly assessing relevant applications.
- 3.6 The Forum’s Evidence Base includes a summary table of four developments in the Area approved by the LBTH Strategic Development Committee (or later by the Mayor of London or through a Planning Appeal) since the Forum was first set up in autumn 2014¹⁰. It details for each development the size, density, height and any Infrastructure to be provided on site, including child play space. It shows that a number of developments did not provide any Infrastructure on site, but that others – especially more recent developments – have provided some Infrastructure. It shows that wider Infrastructure considerations are not generally being

⁵ See the Forum’s Evidence Base, map at paragraph 5.2.2 at page 48

⁶ See the Development Infrastructure Funding Study (DIFS), at page 5

⁷ https://www.youtube.com/watch?v=dsrd_BQlwus&feature=youtu.be&list=PL22i6lCOf8nGwe2ZiUZfwTFp8eQfBzJna.

⁸ See the DIFS, at page 20

⁹ See the Forum’s Evidence base, at page 40

¹⁰ See the Forum’s Evidence base, at page 42

considered. In considering the table, it should be noted that the current London Plan recommended maximum density for a development in a location with transport links like the best in the Forum's Area is 1,100 habitable rooms per hectare.

3.7 Policy D2 of the draft London Plan states:

(A) The density of development proposals should:

- (1) Consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels*
- (2) Be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services)*

(B) Where there is currently insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean that if the development is contingent on the provision of new infrastructure, including public transport services, it will be appropriate that the development is phased accordingly.

(C) When a proposed development is acceptable in terms of use, scale and massing, given the surrounding built form, uses and character, but it exceeds the capacity identified in a site allocation or the site is not allocated, and the borough considers the planned infrastructure capacity will be exceeded, additional infrastructure proportionate to the development should be delivered through the development. This will be identified through an infrastructure assessment during the planning application process, which will have regard to the local infrastructure delivery plan or programme, and the CIL contribution that the development will make. Where additional required infrastructure cannot be delivered, the scale of the development should be reconsidered to reflect the capacity of current or future planned supporting infrastructure.

3.8 The supporting text provides: *"If development comes forward with a capacity in excess of that which could be supported by current or future planned infrastructure, a site-specific infrastructure assessment will be required. This assessment should establish what additional impact the proposed development will have on current and planned infrastructure, and how this can be appropriately mitigated either on the site, or through an off-site mechanism, having regard to the amount of CIL generated."*¹¹ It is noted that the draft London Plan does not say that the amount of CIL generated is the sole consideration in assessing the Infrastructure requirements of an application.

3.9 Tower Hamlets Council state: *"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 [i.e. strategic Local 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.). **It is acknowledged that in certain areas, like the Isle of***

¹¹ Draft London Plan, para 3.1.2

Dogs, where growth has come forward at higher densities than anticipated in the trajectory, further consideration of infrastructure may be required.”¹²

3.10 The GLA and Tower Hamlets Council approach begs the key question of what “the sufficiency of the planned provision of infrastructure” is in the context of the uniquely dense development taking place in the Isle of Dogs when each new large residential development is considered, bearing in mind that each such development places a material additional strain on the available Infrastructure. The principal issue is that there are currently no common baselines, assumptions or methodology for comprehensively assessing the Area’s unique Infrastructure requirements.

3.11 The Tower Hamlets Council’s constitution provides a list of material planning considerations to be taken into account in determining planning applications. These include factors beyond developers’ control, such as overall physical infrastructure capacity and deficiencies in social infrastructure.¹³ These include inter alia the followings:

- (i) Highway issues: traffic generation, vehicular access, highway safety;*
- (j) Noise or disturbance resulting from use, including proposed hours of operation;*
- (k) Smells and fumes;*
- (l) Capacity of physical infrastructure, e.g. in the public drainage or water systems;*
- (m) Deficiencies in social facilities, e.g. spaces in schools;*
- (n) Storage & handling of hazardous materials and development of contaminated land;*
- (o) Loss or effect on trees;*
- (p) Adverse impact on nature conservation interests & biodiversity opportunities*

3.12 The policies in this chapter contain provisions to ensure that, in the interests of Sustainable Development, applications for large residential developments in the Area are designed and considered clearly in the context of overall Infrastructure capacity.

POLICY D1 – INFRASTRUCTURE IMPACT ASSESSMENT

- A. To support Sustainable Development and in view of the strain on Infrastructure in the Area and the shortage of publicly owned land, applicants for 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.
- B. Where the Infrastructure Impact Assessment indicates that there is sufficient planned and delivered Infrastructure capacity to support proposed densities, the proposal will be supported.
- C. Where the Infrastructure Impact Assessment indicates that there is insufficient planned and delivered infrastructure capacity to support proposed densities then potential improvements to Infrastructure capacity should be assessed and proposed, having regard to 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.

¹² London Borough of Tower Hamlets, Response to the Isle of Dogs Neighbourhood Plan Regulation 14 Consultation, April 2019, specific comment #14. Emphasis added.

¹³ London Borough of Tower Hamlets Constitution, approved 22nd November 2017, V3, Appendix A, page 398.

- D. If the proposed development is contingent on the provision of new or enhanced Infrastructure (including, without limitation, public transport services), the development should be phased accordingly.
- E. Infrastructure impacts will be considered unacceptable where they result in negative impacts that cannot be adequately mitigated through CIL contributions and/or planning obligations.

REASONS FOR POLICY D1

- 3.13 This policy seeks to ensure development contributes to the economic, social and environmental objective of Sustainable Development, by ensuring that the Infrastructure context of the Area is taken into account in the preparation of planning applications and the consideration of those applications by LBTH.
- 3.14 It also seeks to identify those developments that are most likely to impact on the Infrastructure needs of the Area and the wellbeing of its residents, with the aim that both the existing Infrastructure provision and the likely impact of the development in question are taken into account when such applications are determined.
- 3.15 The LBTH Committee report for Westferry Printworks at the LBTH Strategic Development Committee on 14th May 2019, which considered (item 5.1) Former Westferry Print Works 235 Westferry Road E14 8NX PA/18/01877, included the following statement on page 36, section 8.29: *“Any proposed increase in residential density on this site should be supported by an assessment of its cumulative impact on social infrastructure, utilities and transport infrastructure to ensure that the intensification would represent sustainable development.”*¹⁴
- 3.16 Policy D2 *“Infrastructure requirements for sustainable densities”* in the draft London Plan provides in para 3.1.2: *“If development comes forward with a capacity in excess of that which could be supported by current or future planned infrastructure, a site-specific infrastructure assessment will be required.”*¹⁵

HOW POLICY D1 WORKS

- 3.17 Applicants proposing relevant residential developments are required to provide an Infrastructure Impact Assessment explaining and justifying the impact their proposal will have on planned and delivered Infrastructure (as defined in the draft London Plan) serving the Area, together with other relevant information – such as, without limitation, material changes in relevant regulations, available Infrastructure, and population demographics – to enable planning officers and committees fully to assess their application in context.
- 3.18 The Infrastructure Impact Assessment should identify actions by the applicant that could contribute to the positive impacts of development on Infrastructure capacity and mitigate the negative impacts. This may include, but is not limited to, contributions offered as part of a

¹⁴<http://democracy.towerhamlets.gov.uk/documents/s148628/Westferry%20Printworks%20SDC%20Report%20Final.pdf>

¹⁵https://www.london.gov.uk/sites/default/files/draft_london_plan_-_consolidated_changes_version_-_clean_july_2019.pdf

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.

POLICY D2 – HIGH DENSITY DEVELOPMENTS

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 to 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.

REASONS FOR POLICY D2

3.19 Planning committees are made aware of the GLA's requirement that applications for developments that exceed the maximum recommended densities in the London Plan should be of a high design quality. But they often fail to give sufficient weight to the GLA's other requirements.

3.20 As a result, the Forum believes that LBTH planning committees have repeatedly approved applications for well-designed developments that exceed the maximum recommended density on the basis that, having once allowed the maximum to be exceeded, it is obliged to continue to do so for broadly similar applications on the grounds of consistency, regardless of the increasing strain on Infrastructure that such further developments would generate. It is this approach which has led to the Area's Infrastructure capacity being strained.¹⁶

3.21 The purpose of policy D2 is therefore to incorporate the relevant part of the GLA's supplementary guidance into policy, by emphasising and clarifying that each application for a very high density residential development in the Area should be considered against all the GLA's Housing SPG criteria, and not be bound to repeat a judgement made in different circumstances.

3.22 In its section on developments above the recommended density ranges, the GLA's Housing SPG states:¹⁷

"In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations:

- *the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
- *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
- *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;*

¹⁶ See the Forum's Development Analysis

¹⁷ GLA's Housing SPG, Part 1, Para 1.3.51/52, at page 54.

- *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
- *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
- *the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;*
- *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
- *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).*

Where these considerations are satisfactorily addressed, the London Plan provides sufficient flexibility for such higher density schemes to be supported. It should, however, be recognised that this is not an exhaustive list and other more local or site specific factors may also be given appropriate weight, taking into account the particular characteristics of a proposed development and its impact on the surrounding area."

HOW POLICY D2 WORKS

- 3.23 Applications for developments that exceed the density set out in policy D2 need to spell out how they comply with all the requirements of the GLA's Housing SPG as set out in paragraph 3.22 above.
- 3.24 Applications that do not adequately demonstrate this should be considered unacceptable.
- 3.25 Applications cannot rely on the supposed precedent of previously consented developments that were approved when there was less cumulative strain on the Area's Infrastructure, as changing demands on Infrastructure justify fresh consideration.

4. EMPTY SITES POLICY

CONTEXT

4.1 The Isle of Dogs and South Poplar Opportunity Area contains a number of empty or under-utilised sites. For example as at July 2019:

- The former Barclays Bank office building on West India Quay was demolished in order to allow construction of The Spire. That development is now on hold and the site has been hoarded up.
- The 30 Marsh Wall office building has been largely empty for some years now, after a planning application to build a 50+ storey building was rejected. It did contain charitable meanwhile use for a period of time. There is a similar situation at 225 Marsh Wall currently.
- The McDonalds restaurant was demolished by the Preston Road roundabout in order to allow development of the Helix. That development is now on hold and the site has been hoarded up. This has resulted in the loss of the only 24-hour restaurant locally.
- The JP Morgan office site by Westferry Circus was cleared and construction was started and then stopped once the basement was built, and has been empty for almost ten years now. The way it has been left makes it difficult to use for meanwhile use purposes.¹⁸
- The site between Manilla and Cuba Street has been left empty for years. It has been used as a construction manufacturing site, has been considered for use as a carpark or for modular temporary affordable homes, and now has a planning application submitted for a modular temporary hotel.

4.2 The above are only a few examples of empty or under-utilised sites. Other sites have historically been left empty for years before development eventually takes place. As a result of delayed construction, valuable land is being wasted and utilised neither for commercial, residential nor community use for many years, and is often unsuitable for meanwhile use as a result of being covered in construction materials or being otherwise left unsafe to use.¹⁹

4.3 Meanwhile uses have been successfully applied to some sites, for example:

- Canary Wharf Group introduced a number of meanwhile uses on Bank Street and Wood Wharf before construction of schemes on those sites, including temporary parks and a small street market.
- The office buildings between Millharbour and Pepper Street Bridge have been used by the charity One Love on a meanwhile use basis for the last few years while planning permission is sought via an appeal to the Planning Inspector.

4.4 It is therefore desirable to encourage developers to release land awaiting development for meanwhile uses by the community, and to discourage demolition of useful buildings before developers are ready to build out their approved schemes.

¹⁸ See pictures in the Forum's Evidence base, paragraph 4.9 at page 47

¹⁹ See the Forum's Evidence Base, *ibid*.

POLICY ES1 – USE OF EMPTY SITES

To support Sustainable Development in the Area and the productive use of available land:

- A. Applications for Strategic Development should submit a feasibility study for one or more potential meanwhile uses on their sites (including for existing buildings) which 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 twelve 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.
- C. If a proposed meanwhile use requires planning permission, this will be the subject of a separate planning permission.
- D. Such meanwhile uses should be for one or more of the following purposes, subject to site specific constraints:
 - 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
- E. Such sites should be used for meanwhile uses on the basis that 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.

REASONS FOR POLICY ES1

- 4.5 Given economic uncertainty, sites may lie unused for extended periods. But in view of the lack of available land in the Area, it is in the interest of the community not to let land lie fallow and unused. Developers should be encouraged to use land in a way that will benefit the community, and which is also in the interest of developers and landowners.²⁰
- 4.6 This policy ES1 will encourage developers and landowners to make good use of their land pending their building out the development in accordance with the substantive planning application.
- 4.7 An example of such a temporary and attractive use is the pocket park on the south side of Bank Street, before 1 and 10 Bank Street started construction. Other examples include

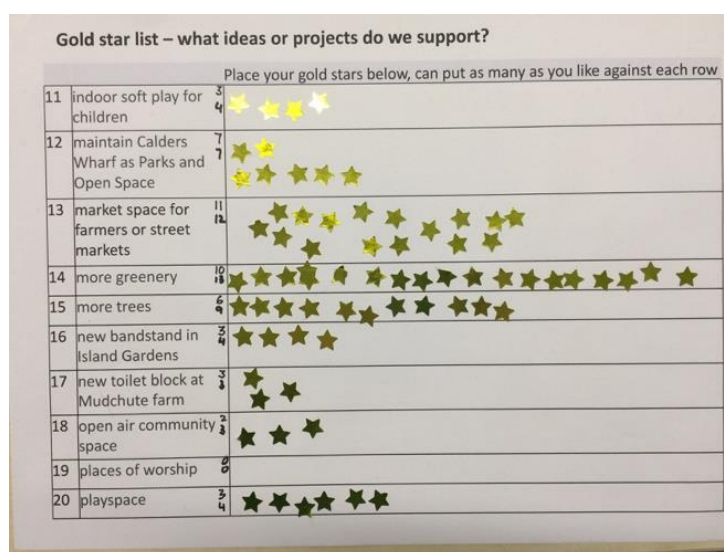
²⁰ Draft London Plan, Policies D4, H4, HC5 and G8.

Container City II at Trinity Buoy Wharf, Containerville at 35 Corbridge Crescent in Tower Hamlets, and the PLACE / Ladywell pop-up village in Lewisham.

4.8 The South Quay Masterplan Supplementary Planning Document in October 2015 provides the following suggestions:²¹

- *“Temporary uses and landscaping of decanted/vacant development sites and dock edges including:*
- *Pop-up retail*
- *Affordable workspace*
- *Cultural & sporting activities*
- *Public art and lighting installations”*

4.9 The draft London Plan Policy H3 encourages meanwhile uses for housing. The suggested meanwhile uses in the policy are based on a series of consultation events held by the Forum in March 2018 at Pepper Street where residents were asked what their priorities were. Each resident was given 10 gold stars to place on a series of boards (see one board below as an example). This informed the above priorities for empty site meanwhile uses.



HOW POLICY ES1 WORKS

4.10 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 twelve months’ delay in building out the development in accordance with the substantive planning application. This would be subject to public consultation. Any such meanwhile use could be made a provision of a Section 106 agreement stating that the length of planning permission will be extended to five years if the developer makes reasonable endeavours to make the site available for a meanwhile use within 12 months of the substantive planning application gaining consent.

²¹ South Quay Masterplan, page 53, Table 2

- 4.11 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.
- 4.12 If additional planning permissions are required for change of use for some meanwhile uses, such as without limitation for the construction of affordable workspaces, this should be identified on submission of the original substantive planning application as part of the detail of the proposed meanwhile use.

5. CONSTRUCTION MANAGEMENT AND COMMUNICATION POLICIES

CONTEXT

- 5.1 The Isle of Dogs is experiencing the construction of numerous, very large and closely-packed developments by a range of different developers, severely impacting the living environment of the whole community. Tens of thousands of new homes are being built in this relatively small and enclosed area. Such intensity of development on our existing community is unprecedented.²²
- 5.2 The different developers' activities are largely uncoordinated, and the community receives little (if any) notice of even very intrusive actions, such as roads closed for heavy equipment movements.²³
- 5.3 Pavements are blocked off for long periods; construction vehicles constantly impede normal traffic and park in narrow side roads, unable to access the relatively small sites for such large buildings; utilities repeatedly dig up the same roads within a few months; piling and other loud construction noise is endured for long periods even at weekends; and so on.²⁴
- 5.4 This situation is set to continue for decades, with a well-telegraphed pipeline of major proposed developments across and around the island adding to those already consented or under construction.²⁵
- 5.5 Management of the many different developers and their contractors, and more effective communication with the community about their construction activities, is essential in these circumstances.

POLICY CC1 – CONSTRUCTION COORDINATION

To support Sustainable Development in the Area, no construction management plan changes should be agreed unless and until the local community has been publicly notified in advance, and has had a reasonable opportunity to be consulted.

REASONS FOR POLICY CC1

- 5.6 Continuous and coordinated management of the construction management plans of the many different developers and their contractors in the Area, and full consultation on and publication of changes to them, is essential in these circumstances.

HOW POLICY CC1 WORKS

- 5.7 LBTH should include in the conditions imposed on any Major or Strategic Development a requirement that any proposed changes to construction management by an applicant or its

²² See the Forum's Evidence Base at section 2.

²³ See the Forum's Evidence Base at section 5.

²⁴ See the Forum's Evidence Base at sections 5.2 and 5.3.

²⁵ See the Forum's Evidence Base map, paragraph 5.2.2 at page 48.

contractor that would be likely to have an impact outside the site boundary, including without limitation public access, pedestrian and/or vehicle movements, air quality, noise, vibration, and/or encroachment on public land, shall only be made after effective consultation with the affected local community, led by LBTH in line with the principles within LBTH's Statement of Community Involvement, and any future updates to that document.

5.8 The resubmitted plan and its approval will be formally recorded on the Planning Register.

POLICY CC2 – CONSTRUCTION COMMUNICATION

To support Sustainable Development in the Area, applicants or their relevant contractors shall notify all affected local residents as soon as reasonably practicable: whenever they propose a change to normal working hours or conditions for which they have to seek consent from LBTH; and of such consents being granted.

REASONS FOR POLICY CC2

5.9 Residents are often the last to know what is happening on their own doorstep. When they approach developers to ask why work is happening, they are often told that LBTH has authorised the work, but that information has not been communicated effectively to the affected community.

5.10 Through the local community's local knowledge, awareness of other developments and ability to communicate with the wider community, local councillors can, by working with developers, materially improve construction communication, making life easier for the developer and residents.

HOW POLICY CC2 WORKS

5.11 Developers and their construction companies are expected to notify the local community through public channels, including the use of social media, posters adjacent to the site, and advertisements in local newspapers, as well as notifying local councillors and/or their properly appointed proxies, when proposing changes to their normal working practices, especially when such changes will have an impact on the wider area.

5.12 Notification under this policy CC2 should consider the neighbour notification standards in the LBTH Statement of Community Involvement, and any future updates to that document.

5.13 Below are examples of what some developers operating in the Area currently provide in terms of construction communication. It should be possible for other developers to provide a similar level of engagement.

Development	Westferry Printworks	Landmark Pinnacle	Canary Wharf Group
Name of developer/main contractor	Mace	Chalegrove	CWG
Emailed newsletters	Yes	Yes	No
Information shared on Facebook	By arrangement	By arrangement	By arrangement
Public meetings	Yes	No	Yes
Dedicated & named contact person	Yes	Yes	Yes
Dedicated phone number & email	Yes	Yes	Yes
Separate Public Relations firm?	Yes	Yes	In-house staff
Drop in sessions available	Yes	No	No

POLICY CC3 – CONTROL OF DUST AND EMISSIONS DURING CONSTRUCTION AND DEMOLITION

To support Sustainable Development in the Area, construction management plans shall specify how they comply with the GLA's Dust and Emissions SPG.²⁶

REASONS FOR POLICY CC3

- 5.14 The GLA has issued planning guidance on the control of dust during construction.²⁷ The aim of making the GLA's Dust and Emissions SPG a Neighbourhood Plan policy is to require emissions of dust, PM₁₀ and PM_{2.5}, to be reduced from construction and demolition activities in the Area. The SPG also aims to control nitrogen oxides (NOx) from these same activities by introducing an Ultra-Low Emissions Zone (ULEZ) for non-road mobile machinery.
- 5.15 The Port of London Authority's 'Thames Vision (2016)' document includes a goal of getting more than 400,000 lorry trips off the roads and use the river instead in view of the impact of construction on local communities.
- 5.16 With more intense construction underway in the Area than anywhere else in the UK, and in a geographically limited space, it is essential that construction is undertaken to the highest standards.
- 5.17 The NPPF provides that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and*

²⁶ GLA's Supplementary Planning Guidance 'The Control of Dust and Emissions During Construction and Demolition' at <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/control-dust-and>

²⁷ Ibid

*water quality, taking into account relevant information such as river basin management plans”.*²⁸

HOW POLICY CC3 WORKS

- 5.18 No construction management plan shall be approved unless and until it makes clear how it complies with the GLA’s Dust and Emissions SPG during both demolition and construction.
- 5.19 LBTH and the developer should enable affected residents to have ready access to air quality data.

²⁸ NPPF, at paragraph 170.

6. SUSTAINABLE DESIGN POLICY

CONTEXT

6.1 The NPPF provides that: *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*²⁹

6.2 The tallest and densest buildings in the United Kingdom are being built in the Isle of Dogs³⁰, and should therefore be of the highest possible standards.

POLICY SD1 – SUSTAINABLE DESIGN

To support sustainable development in the plan Area all Major and Strategic Developments are strongly encouraged to meet the highest levels of design and environmental standards, including:

- For non-residential buildings, the BREEAM Excellent standards; and
- For residential buildings, the Home Quality Mark.

REASONS FOR POLICY SD1

6.3 Policies regarding Sustainable Design and Sustainable Growth are included in the draft London Plan and the Local Plan, and LBTH has said it will strongly encourage schemes to use the Home Quality Mark.³¹

6.4 Including this policy SD1 in the Isle of Dogs Neighbourhood Plan emphasises its particular importance in this very dense and iconic Area.

6.5 It is common in other industries for purchasers / users to have access to independent information as to the quality of the product they are using or buying before they acquire those products. The same should apply to the development industry. Home owners/leaseholders/tenants need to know to what standard their home has been built, whether Home Quality Mark or another standard. The same applies to any properties which are being developed for non-residential use.

HOW POLICY SD1 WORKS

6.6 This policy does not mandate the use of these standards, but developers should set out whether and how they meet the standards in a Design & Access Statement or other suitable document as part of a planning application.

²⁹ NPPF, Paragraph 124.

³⁰ See Forum’s Evidence Base, paragraph 2.14 at page 22

³¹ See Local Plan Policy D.ES7: A Zero Carbon Borough

7. 3D MODEL POLICY

CONTEXT

7.1 It is no longer sustainable to plan an area of such complexity, density and scale as the Isle of Dogs in 2D. The GLA are themselves building a digital model of the East of the City. That model should be extended not just to approve planning applications, but as a live model to plan everything in the Area from new CCTV cameras, to new cycle parking, to the location of street bins.

7.2 The draft London Plan Policy D4 supports the use of 3D modelling for planning purposes. GLA's 'City in the East' document³² states:

"The GLA digital 3D model for City in the East covers large parts of the Thames Gateway. This model coverage will be gradually increased and the model updated in partnership with public and private sector stakeholders, with the objective to eventually cover all of London. It will provide a platform to inform spatial design and planning as well as consultation processes as an interactive live 3D model. Developers of individual sites will be expected to provide 3D models of their schemes in an agreed format which will be used to populate the GLA's model as schemes come forward. Developers will also be expected to contribute to the cost of locating their schemes within the GLA's wider model."

7.3 If nations like Singapore can plan their whole country in 3D, it should be possible to achieve the same in the Area.

7.4 Other neighbouring local authorities like the City of London and Southwark are already using 3D models in their planning processes.

7.5 Given the vertical scale of development in the Area (up to 241 meters above sea level), good design and good architecture in the 21st century require the use of 3D models in the planning process.

7.6 LBTH has acquired its own 3D model for planning purposes, which as of 2018 was a licence to the Vu.city model.³³

POLICY 3D1 – 3D MODEL FOR APPLICATIONS

All applications for Strategic Developments must be accompanied by a 3D model and in a form that is compatible with the model used for assessment as part of the development management process.

REASONS FOR POLICY 3D1

7.7 It is no longer sustainable to plan at this level of density and height without better tools.

7.8 3D models are increasingly being used in planning to solve a wide range of issues.

³² Building a digital model of the City in the East, released in 2015, on page 14.

https://www.london.gov.uk/sites/default/files/city_in_the_east-may_2016.pdf.

³³ www.vucity.co.uk

7.9 In order to keep the 3D model 'live', any applications submitted must include 3D models to allow the LBTH 3D model to be updated.

7.10 The emergency services are seeking more information about buildings, including the number of storeys, internal layouts, emergency access points, lift locations, fire hydrant locations etc., in order to be able to respond better in an emergency.

HOW POLICY 3D1 WORKS

7.11 Planning applications should include a data file that, when uploaded, will populate the current 3D model being used by LBTH (and the GLA) with the data to create an outline model with sufficient fidelity as to allow the full use of the functionality of the 3D model in use. Any changes in the outline will require a new data file to be provided.

7.12 Applications submitted to LBTH which do not include the ability to have a fly-through presentation, or views from different angles of the development in its wider context through a 3D model, should not be validated.

8. ESTATE REGENERATION RESIDENT BALLOTS POLICY

CONTEXT

- 8.1. For the context for this policy Chapter, see Annex A1 (Estate Regeneration), and draft London Plan Policy H8 and its supporting text.

POLICY RB1 – RESIDENT BALLOT

- A. 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 apply for GLA grant funding and, if successful, must comply with the GLA's funding requirements, including without limitation the GLA's Resident Ballot Requirement Funding Condition.
- 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 in accordance with the guidelines provided by the GLA for such ballots.

REASONS FOR POLICY RB1

- 8.2 A number of estate regeneration schemes in London have faced very active resistance from affected residents, as change has been imposed on them from above rather than with their active involvement. Whereas some estate regeneration schemes – such as New Union Wharf in LBTH – have involved active resident participation, including a ballot approving the demolition of the old homes and the building of new ones in their place.³⁴ The first GLA ballot has already been held in Westthorpe Gardens and Mills Grove estate where 74.5% of the residents voted for the estate regeneration.³⁵ This Policy RB1 seeks to encourage all relevant estate regeneration schemes in the Area to not only seek GLA funding to maximise affordable housing, but also achieve demonstrable community approval.
- 8.3 If the landlord is successful in securing GLA funding for estate regeneration, that should enable a higher percentage of affordable housing units, supporting Policy D.H2: Affordable Housing and Housing Mix in the Local Plan, which requires an increase in net affordable housing units in estate regeneration.

HOW POLICY RB1 WORKS

- 8.4 Any applicant proposing an estate regeneration scheme in the Area that involves the demolition of social housing must first assess whether GLA funding may be available.³⁶ If so, when an application to the GLA for such funding is made any conditions set by the GLA needs to be followed, including without limitation the GLA's Resident Ballot Requirement Funding Condition.

³⁴ <http://www.housingforum.org.uk/resources/informing/demonstration-projects-2012-current/demonstration-project-2017-east-thames---new-union-wharf>

³⁵ <https://www.socialhousing.co.uk/news/news/residents-vote-yes-in-first-estate-regeneration-ballot-following-new-london-rules-59092>

³⁶ <https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/estate-regeneration>

9. LONG NEIGHBOURHOOD PLAN

- 9.1 This Neighbourhood Plan – also known as the ‘Basic Plan’ – will, when made, be a Plan that will form part of the statutory development plan for the Area.
- 9.2 However, the Isle of Dogs Neighbourhood Planning Forum has decided to take an unusual approach. It submitted this ‘Basic Plan’, while in parallel working on a more detailed Neighbourhood Plan (the ‘Long Plan’), with the intention that the Long Plan will then replace this Plan.
- 9.3 This is because many more planning applications are likely to be decided before a comprehensive Neighbourhood Plan is complete. The policies and recommendations in this Basic Plan are therefore intended to address the most urgent issues, while work on a more comprehensive Neighbourhood Plan is progressed.
- 9.4 The subject areas and ideas being worked on for the Long Plan are set out on the Forum’s website.³⁷

³⁷ <http://isleofdogsforum.org.uk/the-long-plan/>

10. PARISH/TOWN COUNCIL FOR THE ISLE OF DOGS

10.1 One of the possible methods for delivering the long-term objectives of the community is by setting up a Parish or Town Council for the Isle of Dogs using the boundaries of the Isle of Dogs Neighbourhood Planning Forum, potentially combined with adjacent areas which may wish to join the Parish Council.

10.2 Town and parish councils are the first level of local government. They provide communities with a democratic voice and a structure for taking community action. (Despite the name, they have nothing to do with churches, and can also be called Community Councils). More than a third of people in England currently have a town or parish council, and the Government is making it easier to set one up. But they have not existed in London since the 1963 Greater London Act which abolished them. The Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011 re-introduced the ability to set up new Parish Councils. Queens Park in West London is the first one in London.

10.3 A Parish Council would not replace Tower Hamlets Council for the majority of its responsibilities, but would have the ability to act locally on local issues, and could have the ability to raise its own funds via a precept (an addition to the Council Tax) and run some local services.

10.4 There is a wider issue for Tower Hamlets Council: how to manage the enormous population growth, and the increasing disconnect between wards which are not growing and those which are. Areas in Tower Hamlets are becoming increasingly dissimilar, and it will therefore become increasingly difficult to manage the Borough centrally on a top down basis. But it would not make economic sense to break up the Borough as you lose economies of scale.

10.5 The solution may well be local issues managed by Parish Councils, and everything else by the Borough.

10.6 There are two routes to starting the process to look at setting up a new Parish Council:

- Collecting signatures on a petition; or
- *“A neighbourhood forum that’s had a neighbourhood development plan passed at referendum can trigger a community governance review without needing a petition.”³⁸*

10.7 Approving this Neighbourhood Plan could therefore require LBTH to initiate such a community governance review to see if a local Parish Council should be created.

10.8 To be clear, this Plan does not commit the Isle of Dogs community to triggering such a review, nor to the actual setting up of a Parish Council. That would be subject to a separate decision-making process on whether or not to set up a Parish Council for the Isle of Dogs using the boundaries of the Forum Area. It just dispenses with the need for a specific petition to start the LBTH community governance review process.

³⁸ <https://www.gov.uk/government/news/making-it-easier-for-communities-to-set-up-new-town-and-parish-councils>

10.9 Whether the communities in the adjacent areas originally included in the Forum’s recognition application submitted on the 1st December 2014 – which was larger than the Forum Area officially recognised by the Council – wish to join an Isle of Dogs Parish Council, would be the subject of a separate consultation.

The Forum's details are:

Website: www.isleofdogsforum.org.uk

Email: contact@isleofdogsforum.org.uk

Twitter: @IsleofDogsForum

Facebook: www.facebook.com/IsleofDogsNeighbourhoodPlanningForum

Telephone: 0300 030 6033

Address: Isle of Dogs Neighbourhood Planning Forum, 17 Ensign House, Admirals Way, Isle of Dogs, London E14 9XQ

END OF PLAN POLICIES

ANNEX: COMMUNITY ASPIRATIONS

Introduction

1.1 The provisions in this Annex are community aspirations which represent the wishes of the Isle of Dogs community but they do not form part of the statutory part of this Plan.

1.2 This is how they are described in planning regulations:

“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.”³⁹

³⁹ Paragraph: 004 Reference ID: 41-004-20190509. <https://www.gov.uk/guidance/neighbourhood-planning--2>, revised 9th May 2019

A1 – ESTATE REGENERATION

CONTEXT

- 1.3 The Isle of Dogs includes a number of housing association managed estates, some of which were built decades ago. The question of their long-term future is therefore a live subject on the Isle of Dogs, not least the future of the four estates managed by One Housing Group: Barkantine, St Johns, Samuda and Kingsbridge. The aspirations in this Annex apply to all estates with a single landowner.
- 1.4 One option for the future of estates is complete demolition and rebuild. But estate regeneration has a very poor and negative reputation in London due to a number of issues with previous such projects. As a result, estate regeneration has attracted high levels of opposition and legal challenge.
- 1.5 The aspirations in this Annex are intended to ensure that any change to the estates has broad support in advance of any change. The more involved affected local communities are in changes to their homes, the more sustainable that development is. The aspirations in this Annex are therefore designed to promote Sustainable Development.
- 1.6 An important element of that broad support is to have quite specific provisions on issues like the voting process, as that helps build trust and support even if they do not typically fit classic land use policies.
- 1.7 Planning policy and landlords recognise the benefits of estate redevelopment having the support of the majority of residents. The Forum supports independent secret ballots as by far the most credible and fair way of assessing resident support, because the alternative ‘independent’ surveys – as samples based on one-to-one interviews – are less inclusive than ballots of the affected communities.
- 1.8 With surveys, landlords are also more likely to be able to consult at short notice of their choosing, and control information given to residents beforehand and the format of questions. Fair votes avoid the possibility or perception of the organisation carrying out the survey being influenced by the landlord, enabling more trust in the result – a crucial benefit for all parties and therefore critical to the sustainability of the proposed development.
- 1.9 A vote campaign also allows any groups opposed to proposals (who do not have the same resources as landlords) to put their case during a publicised period notified well in advance. Vote campaigns also traditionally facilitate hustings events where residents can listen to all arguments and points of view, and ask questions of all sides. These are vital elements. There is, by contrast, no record of surveys allowing such impartial, collective engagement and debate.⁴⁰
- 1.10 All of the principles detailed below have already been used by other estate regenerations in Tower Hamlets – most notably the New Union Wharf estate regeneration in the Area (which

⁴⁰ The case of Central Hill in Lambeth illustrates all these points. See Central Hill: A Case Study in Estate Regeneration, ASH, 10th April 2018.
<https://architectsforsocialhousing.wpcomstaging.com/2018/05/01/central-hill-a-case-study-in-estate-regeneration-ash-presentation-to-the-department-of-architecture-braunschweig-university-of-technology/>

voted to support estate regeneration)⁴¹ – so they are known to be viable and practicable provisions already used in practice.

- 1.11 It also directly relevant that, when the Isle of Dogs estates were transferred from the control of Tower Hamlets Council to individual housing associations, there was a ballot of residents to approve the transfer. The principle that residents should vote on the future of their estates is therefore already established.
- 1.12 Estate regeneration is not specifically mentioned in the NPPF, even though it is an obvious source of new homes.
- 1.13 There is evidence from some existing estate regeneration schemes in London where existing communities were displaced and fragmented by the redevelopment of their homes. Most notably at Heygate in Southwark, where the most evidence has been gathered about displacement.⁴² This directly contradicted various elements of the NPPF as they relate to sustainable communities. Development should not destroy a community. Rather it should provide new or refurbished homes.
- 1.14 In December 2016, the Department for Communities and Local Government released the Estate Regeneration National Strategy, which supports many of the provisions in this Annex.⁴³ It includes this introduction:
- *“This section of the national strategy sets out the government’s expectations for how landlords, developers and local authorities should engage with residents throughout an estate regeneration scheme, and for how residents should be protected.*
 - *Successful estate regeneration schemes need to have the support of a majority of the residents, through what can be a very uncertain time for them. Early and ongoing discussions on plans for the estate, and residents’ personal housing needs and choices, will build a relationship of trust between residents and landowners and help to develop support.”*
 - It also states that *“a vote may be appropriate before complete demolition”*
 - A cross-party London Assembly Member report⁴⁴ includes the following introduction:
 - *“The London Assembly’s Housing Committee report into estate regeneration looks at how to improve the process of regenerating housing estates – including the decision of councils or housing associations to either renovate or demolish the estate.”*
- 1.15 The London Assembly report is designed to provide a guide for community groups, councillors and housing professionals to some of the best ways to work together to regenerate estates. The tips include:
- *Putting energy into early and comprehensive engagement with residents, as well as the physical build and finances*
 - *Holding an independent ballot on any final decision to demolish an estate*

⁴¹ New Union Wharf, Forum’s understanding. See <http://www.housingforum.org.uk/resources/informing/demonstration-projects-2012-current/demonstration-project-2017-east-thames---new-union-wharf>

⁴² <http://heygategashome.org/displacement.html>

⁴³ <https://www.gov.uk/guidance/estate-regeneration-national-strategy>

⁴⁴ <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/knock-it-down-or-do-it>

- *Creating a steering group of residents and securing the enthusiasm of community leaders and influencers.*

1.16 The Principles and Recommendations section of the London Assembly report includes the following:⁴⁵

- *“An effective decision-making process would:*
 - *Be robust by being clear from the outset on the purpose of the proposed regeneration and how it fits within a broader strategy for the local area and borough, communicating this early, openly and broadly, and ensuring a systematic and objective option appraisal is undertaken and published.*
 - *Include in its option appraisal effective consideration of medium- to long-term social and environmental issues. It would incorporate an assessment of the lifecycle carbon impacts of options and feature existing residents’ needs and wishes in terms of their lived experience, in tandem with the wider strategic and financial imperatives. It would be clear how residents’ views have been taken into account.*
 - *Have fully justified any regeneration proposal for which the provider considers there to be no viable alternative. An independent ballot of estate residents would be undertaken which would inform any final proposals to demolish.*
 - *Ensure that leaseholders are treated fairly and provide for them to nominate an independent valuer so they receive fair recompense for their properties. The starting point should be that leaseholders are offered a like-for-like replacement of their property, or a similar offer, wherever possible.”*

1.17 A report produced by the Joseph Rowntree Foundation in May 2016⁴⁶ includes a number of key points, including these:

- *“Regeneration works best with the consent and involvement of residents. The panel should consider offering residents a vote on major regeneration proposals affecting their homes and estates in the same way as they are balloted on plans to transfer ownership of their homes.”*
- *“Given these wider policy considerations, all regeneration proposals should guarantee that there will be no net loss of social rented housing and a net increase in affordable housing alongside any plans for homes for sale and for market rent.”*

1.18 The following reports were also relevant in the production of the provisions in this Annex:

- Demolition or Refurbishment of Social Housing? A review of the evidence by UCL Urban Lab and Engineering Exchange for Just Space and the London Tenants Federation⁴⁷
- ResPublica. Great Estates: Putting communities at the heart of regeneration November 2016⁴⁸
- Altered Estates How to reconcile competing interests in estate regeneration 2016⁴⁹

⁴⁵ <https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/knock-it-down-or-do-it>, on page 7

⁴⁶ <https://www.jrf.org.uk/report/estate-regeneration-briefing-expert-panel>, on pages 1 and 2.

⁴⁷ <http://www.engineering.ucl.ac.uk/engineering-exchange/files/2014/10/Report-Refurbishment-Demolition-Social-Housing.pdf>

⁴⁸ <http://www.respublica.org.uk/our-work/publications/great-estates-putting-communities-heart-regeneration/>

⁴⁹ http://www.levittbernstein.co.uk/site/assets/files/2444/altered_estates_2016.pdf

- 1.19 At Central Hill estate in Lambeth, a substantial survey by residents found that 78% of their neighbours opposed demolition, with 4% in favour and 18% don't know. By contrast, an independent 'opinion test' designed by Lambeth claimed majority support.⁵⁰ Many questionnaires were filled out by researchers with council officers present at consultation events. 'Turnouts' were similar: between 65% and 72% if possible responses are limited to one per household, or around 38% to 40% of all adults. Responses must have depended on who asked the questions and how.⁵¹
- 1.20 Only ballots can avoid situations like this, because ballots are inherently more inclusive and fair, if appropriately organised. This is why neighbourhood plan referenda are based on votes and not public consultations or surveys.
- 1.21 In addition, as stated above, many of the Isle of Dogs estates had public votes to determine their transfer from LBTH to housing associations. Those decisions were not based on surveys or public consultation.
- 1.22 The Mayor of London now requires ballots for any regeneration scheme which will use public grant money for its redevelopment.⁵²
- 1.23 In addition to policy RB1 in this Neighbourhood Plan relating to GLA funding and resident ballots, other issues arise in the context of estate regeneration. The Forum therefore advocates that the following aspirations should also apply to estate regeneration.

ASPIRATION ER1 – Estate Small Business, Retailers, and Community Organisations

- 1.24 To support Sustainable Development in the Area by ensuring positive engagement of the directly affected community of each estate facing potential redevelopment, and subject (where relevant) to LBTH's legal obligations, the Forum advocates:
- If a landlord proposes to demolish commercial premises on an estate, affected leaseholders using them should be formally consulted by the landlord in their own distinct group from an early stage, and represented on a formal consultation body alongside tenants and resident leaseholders if they wish.
 - Subject to the provisions of the Landlord & Tenant Act, if market rents for new premises will be higher than existing rates, commercial leaseholders should be offered where appropriate sub-market rents to match their old rates per square metre, and premises of suitable size with suitable length leases.
- 1.25 This Annex aspiration ER1 is intended to ensure that the needs of small businesses and community organisations are considered in relation to estate regeneration applications in the Area, with a view to achieving Sustainable Development.

ASPIRATION ER2 – Public Reinvestment

⁵⁰ Full figures: 47.6% for; 39.4% against; 13% undecided

⁵¹ <https://moderngov.lambeth.gov.uk/mgAi.aspx?ID=32801>

⁵² <https://www.london.gov.uk/what-we-do/housing-and-land/improving-quality/estate-regeneration>

- 1.26 To support Sustainable Development in the Area by ensuring positive engagement of the community in respect of each estate facing potential redevelopment, and subject (where relevant) to LBTH's legal obligations, the Forum advocates that any surpluses generated by public landowners in the Area should be re-invested in the Area, for example through Infrastructure investment or maintenance.
- 1.27 Where such a surplus is generated, the Forum advocates that the public landowner indicates in advance to all directly affected parties how it intends to deal with that surplus.
- 1.28 If a local surplus is generated by public landowners as a result of a successful planning application for estate regeneration, then the Forum advocates that 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 ER2. Should the surplus be generated through the sale of land to a third party, the Forum advocates that the public landowner makes clear in its accounts what happens to it.

A2 – HELPING ESTABLISH NEW RESIDENTS ASSOCIATIONS

CONTEXT

- 1.29 Residents of communal living developments typically discuss with each other common issues, may set up social media groups to communicate with each other, and slowly start to form residents' associations to have a formal role in the buildings they live in.
- 1.30 In large, especially high rise, residential developments, such a process can take a long time, be extremely frustrating, and lead to difficulties for landlords and their managing agents. This is because the regulatory requirement for residents' associations is that more than 50% of the service-charge-paying Leaseholders must be members before an association should be recognised.
- 1.31 If landlords formally recognise an association without a 50% mandate, they could be criticised by residents who have not mandated the association to agree to spending decisions on their behalf, and who might then refuse to pay the service charges incurred to fulfil those spending decisions.
- 1.32 It is extremely difficult for a resident group in an already populated modern high rise residential building to achieve such a threshold, especially where the majority of the flats in the building are owned by foreign investors so only a minority can be effectively petitioned. This situation is increasingly common on the Isle of Dogs.
- 1.33 Moreover, the security in modern large residential buildings is such that residents may well be unable to access the homes of residents on other floors.
- 1.34 Achieving the required 50% mandate may therefore be practically impossible after a large residential building is populated.
- 1.35 The NPPF says: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other."*⁵³

ASPIRATION GR1 – Helping Establish New Residents' Associations

- 1.36 To support Sustainable Development in the Area, and to facilitate the establishment of recognised residents' associations in residential Strategic Developments, the Forum advocates that, as part of any S106 agreement for relevant new developments, developers should be encouraged to ensure that:
- The principal landlord includes in all its residential unit leases automatic membership of a formally recognised residents' association, with authority for the landlord or its agent to collect appropriate funds for the association as part of the service charge; and
 - Before leasing any residential unit, such landlord establishes a model constitution for the association (in a form capable of formal recognition by the landlord) and all other necessary arrangements for it to function effectively; and

⁵³ NPPF, paragraph 91.

- Appropriate parties independent of such landlord or developer are appointed to act as the initial association committee pending their substitution by residents of each development.

1.37 The Forum considers that if all Leaseholders are by default signed up to a recognisable and recognised association when they take their lease from the landlord, this entire problem evaporates.

1.38 Having a formally recognised residents' association from the outset will enable landlords to have a residents' organisation with which to discuss issues, and enable residents to have a formal role in the management of their buildings as soon as they each take up occupation.

A3 – COMMUNITY INFRASTRUCTURE LEVY (CIL) SPENDING PRIORITIES

- 1.39 This section comprises a set of recommendations to LBTH, as the Forum’s aspirations for the spend of CIL receipts in the plan Area.
- 1.40 This does not have the force of a Plan policy. It sets out the Isle of Dogs’ community’s wishes as to how we want LBTH to apply all the CIL generated in our Area, and therefore constitutes the community’s formal recommendation to the Council.
- 1.41 The Forum requests that LBTH should take note of this and weigh it accordingly when determining the application of CIL generated in the Area and not just of the Neighbourhood Pot, bearing in mind that not only is a disproportionate amount of the Borough’s CIL generated by development in our Area; but it is the current and future Isle of Dogs community that is bearing the brunt of such development, and whose resultant fast-growing Infrastructure needs are intended to be in part offset by the use of the CIL generated in the Area.
- 1.42 Government regulations require that a proportion of funds raised from CIL where development takes place will be allocated to spending agreed with that local community. Once a CIL charging regime is in force, the regulations stipulate that this must amount to 15% of CIL receipts. Where a Neighbourhood Plan is in force, this increases to 25%.⁵⁴
- 1.43 However, in view of the unprecedented scale and intensity of development taking place in the Area, and the acknowledged resultant need for Infrastructure investment vastly exceeding even 100% of the CIL generated in the Area, the Isle of Dogs community wishes all such CIL generated in the Area to be applied to works that are preferably in the Area, or are at least of direct benefit to the Area.
- 1.44 Initial priorities for such spending should be based on the DIFS produced by Peter Brett Associates as part of the OAPF⁵⁵ (or any successor report). The DIFS assumes that all CIL generated in the OAPF area is used for Infrastructure benefiting the OAPF area.⁵⁶
- 1.45 The order of priority for those works is as set out in the DIFS⁵⁷, and reproduced below. The same list of projects and priorities for the Neighbourhood Portion of the CIL generated in the Area will apply unless and until the ‘Long Plan’ has been adopted for the Area (as a successor to this Plan) that, and if and insofar as it, identifies different works and priorities.
- 1.46 The Isle of Dogs community also recommends that any and all S106 and ‘New Homes Bonus’ money earned in the Area is spent on the same list and priority of works, in light of the substantial Infrastructure funding gap identified in the DIFS.
- 1.47 The priorities for the application of CIL are as follows:
- Critical enabling. This category includes all Infrastructure that is critical to facilitate a development. Without these works development cannot proceed.

⁵⁴ The Community Infrastructure Levy (Amendment) Regulations 2013, Reg 8

⁵⁵ <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/opportunity-areas/opportunity-areas/isle-dogs-and-south-poplar-opportunity-area>

⁵⁶ DIFS, page 51

⁵⁷ DIFS, page 17

- Essential mitigation. This category includes all Infrastructure that we believe is necessary to mitigate the impacts arising from the development. The usual examples of essential mitigation are projects which mitigate impacts from trips or population associated with a development, including school places, health requirements and public transport (service) projects.
- High priority. This category includes all Infrastructure that support wider strategic or site specific objectives which are set out in planning policy, but would not necessarily prevent development from occurring, although that would need to be considered on a case by case basis.
- Desirable. This defines all projects that are deemed to be of benefit but would not prevent, on balance, the development from occurring or from being acceptable if they were not taken forward.

A4 – AIR QUALITY

CONTEXT

- 1.48 Air Quality is a major concern of residents both within the Area and in London as a whole.⁵⁸
- 1.49 The Isle of Dogs has major sources of pollution to its north (Aspen Way and Blackwall Tunnel), nearby at London City Airport, and major construction sites generating large amounts of dust, and which also use diesel generators.⁵⁹
- 1.50 The draft London Plan and the Local Plan include policies on Air Quality and the Local Plan includes a Map identifying areas of substandard air quality in Tower Hamlets, including the Isle of Dogs.⁶⁰
- 1.51 The NPPF provides that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”*.⁶¹

ASPIRATION AQ1 – Air Quality

- 1.52 The Forum advocates that:
- 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 should only be permitted in exceptional circumstances.
 - Development should comply at least with all minimum UK environmental requirements in relation to air pollutants.
 - All development should 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.
 - Major and Strategic Developments should demonstrate that they are designed to ensure that indoor air quality complies with the latest WHO 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.

⁵⁸ See the Forum’s Evidence Base, section 7.

⁵⁹ See the Forum’s Evidence Base, map at paragraph 5.2.2 on page 48

⁶⁰ See Draft Local Plan, map on page 169, figure 4.2

⁶¹ NPPF, paragraph 170.

- 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 should terminate above the roof height of the tallest part of the development in order to ensure the maximum dispersal of pollutants.

- 1.53 The Forum notes that these aspirations have already been adopted as policy in the Knightsbridge Neighbourhood Plan⁶², and considers that there is no reason for the Isle of Dogs adopting lesser standards given its greater population density and scale of development densities. This aspiration was presented as a policy in the submission version of this Neighbourhood Plan, but has been moved to the Annex on the recommendation of the independent examiner (see examiner's report paragraphs 9.1 to 9.5⁶³).
- 1.54 Air pollution includes some greenhouse gases (such as carbon dioxide (CO₂) and ozone (O₃)) and local air pollution. The latter contains particles (such as PM₁, PM_{2.5} and PM₁₀) and gases. The most important regulated gas for legal purposes in ambient air is nitrogen dioxide (NO₂). NO₂ is an easily measured indicator of combustion emissions from road traffic and gas heating and cooking. NO₂ contributes to morbidity and mortality along with fine particles (PM_{2.5}). This means that support for Sustainable Development should include a stringent approach to development which might increase the already unlawful levels of air pollution.
- 1.55 It is also important to recognise that the health and societal impacts associated with poor air quality represent a significant economic cost. For example, in London only, PM_{2.5} and NO₂ in 2010 had an associated mortality burden of £1.4 billion and £2.3 billion at 2014 prices, respectively.⁶⁴ These costs are often ignored in assessing the economic benefit of development. There are therefore potentially significant economic benefits to reducing air pollution.
- 1.56 Public health can be improved by requiring compliance with the best international standards for indoor air quality since people typically spend about 90% of their time indoors. In doing so it is important to understand the difference between mechanical ventilation, air conditioning and air filtration.
- 1.57 Appropriate standards for the selection of energy efficient air filters include BS EN 16798-3:2017 (for minimum air filtration efficiency), BS CEN ISO 16890-1:2016 (for particulate matter including PM₁) and BS CEN ISO 10121-2:2013 (for gases). These standards can be applied to reduce energy use and CO₂ emissions.
- 1.58 If air filtration is utilised in a development to comply with indoor air quality standards, information should be provided to the resident on the type of air filtration used, its location and how to maintain it.
- 1.59 Health, legal and climate imperatives and ambitions mean that development in the Area should contribute to reductions in emissions to air. No worsening of air quality should be allowed in areas where limit values are exceeded.

⁶² https://www.westminster.gov.uk/sites/default/files/knightsbridge_neighbourhood_plan_adoption_version_041218_web_version.pdf, Policy KBR34: Healthy air, page 65.

⁶³ https://www.towerhamlets.gov.uk/Documents/Planning-and-building-control/Strategic-Planning/IoDNP_ExaminationReport.pdf

⁶⁴ Source: 'Chapter 5 (page 7) - Economics of pollution interventions' in the 'Annual Report of the Chief Medical Officer 2017, Health Impacts of All Pollution - what do we know?', page 151

- 1.60 Where limit values in the locality are not exceeded, a significant worsening of air quality should only be allowed in exceptional circumstances and where such increases can be justified by the principle of Sustainable Development.
- 1.61 The Forum considers that planning applications should not be approved unless they can demonstrate that they meet development plan policy requirements relating to air quality.
- 1.62 It is noted that it is the Council's intention to work closely with the Forum to prepare an effective climate change policy for inclusion in the intended 'Long Plan'.

A5 – List of Acronyms and Definitions

- Area – the Isle of Dogs Neighbourhood Planning Area
- CIL – the Community Infrastructure Levy, a tariff on some new developments to help fund new infrastructure required to support the development
- DIFS – Development Infrastructure Funding Study, prepared as part of the Isle of Dogs and South Poplar OAPF
- Draft London Plan – the Intend to Publish Version of the London Plan, published in December 2019
- Forum – the Isle of Dogs Neighbourhood Planning Forum
- LBTH – London Borough of Tower Hamlets
- Local Plan – Tower Hamlets Local Plan 2031
- Major Development – major developments are defined by the Local Plan as: 10 to 100 residential units; 1,000 to 10,000 square metres floorspace; and development on a site of more than 0.5 hectares.
- NPPF – the National Planning Policy Framework
- OAPF – Isle of Dogs and South Poplar Opportunity Area Planning Framework
- PTAL – Public Transport Accessibility Levels, as defined by Transport for London
- Strategic Development – proposals involving over 100 homes or 10,000 square metres of floorspace, as defined in the Local Plan

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Table 1: Council Responses to Examiner's Recommendations

Paragraph in Examiner's Report	Examiner Recommendation	Council Response
Summary para 1	Subject to the modifications, I recommend the neighbourhood plan should proceed to a referendum.	Agreed. With the proposed modifications, the plan meets the basic conditions and legal requirements.
4.3	I recommend all the current numbering be replaced by a much simplified system, including its removal from all policies.	Agreed - updated paragraph numbering is included in edited version of the plan, with policy clauses indicated by letters. This will ensure consistency with national guidance and the requirement for clear drafting.
4.7	I therefore recommend that section 1 - Glossary - be deleted. It could be replaced by a new section 1 - Context - comprising section 1 of the Evidence Base, as suggested above, followed by some new text (see suggestions in my edited version) covering the strategic planning policy context.	Partially agreed - Glossary deleted, but with a limited explanation of acronyms and some basic terms now included as an Appendix at the end of the plan for clarity. It is recognised that the introduction of the Context chapter is only a suggestion, but it has been taken on board - section 1 of the Evidence Base, and the examiner's additional suggestions have been included, with minor drafting changes for clarity.
4.7	I recommend that both appendices be removed from the plan. These can be available for reference on the Forum website, much as the evidence base for the Local Plan is on the Council's website.	Agreed. This provides clarity on which elements of the submission make up the formal plan.

4.8	<p>Section 3 - Summary - is problematic. It is states as 'for information only' but contains a number of confusing statements. Some are effectively advocacy regarding CIL spend. Others seek to upgrade the aspirations to almost material considerations [...] Placed within the body of the plan and ahead of the main policy sections these statements are very confusing; indeed, they are inappropriate as they go beyond the use and development of land and do not comply with the basic conditions. I therefore recommend that paragraphs 3.1 to 3.4.2 be deleted.</p>	<p>Agreed. This provides clarity on the status of the Annex.</p>
4.9	<p>The remainder of Section 3 is a set of summaries, in three parts: The Plan's Policies; the Annex Aspirations; and the Recommendation. These will need some editing in order to match the modifications recommended in this report; and may better be placed at the end of the Vision and Objectives section. I recommend the consequential changes, as set out in my edited version.</p>	<p>Edits to the text agreed. On discussion with the Forum about the purpose of the vision and objectives, that section has been combined with the new context section for clarity. The summary section has therefore been kept as a separate chapter. The examiner's suggested changes to the text of the vision and objectives have not been accepted, as it is considered that now these are clearly marked as contextual/historical, rather than being a set of live objectives applying to the final plan, it makes sense to retain them in their original form. These changes will ensure there is clarity over the status of each section of the plan.</p>
4.11	<p>An edited version of the Neighbourhood Plan, in tracked changes, containing my recommendations is attached, as a PDF; a Word version will be made available to the Council, as they take my report forward. I recommend that this is the version of the plan that is taken forward.</p>	<p>Agreed - the referendum version of the neighbourhood plan is based on the examiner's edited version. Where limited deviations have been made from the examiner's changes, these are explained in this document.</p>
5.6	<p>I recommend that Appendix 1 [Infrastructure Baseline Analysis] be removed from the plan and that any references to it in the supporting text make clear that it is for information only.</p>	<p>Agreed. The Infrastructure Baseline Analysis does not have suitable regard to the need for a proportionate, relevant and robust evidence base.</p>

5.12	I recommend that policies D1 and D2 be modified as follows [see report for details].	Agreed. These changes will ensure that the policies are in general conformity with the strategic policies in the development plan for the area, and have suitable regard to national policy and guidance on infrastructure contributions.
6.5	I therefore recommend that the policy [ES1] be modified as set out in Table 4 [of the Tower Hamlets Reg 16 consultation response], with the exception of the deletion of housing as a listed use. The supporting text will consequently require some re-writing - see my edited version.	Agreed with the change to the policy text. In terms of the supporting text, this has been modified in line with the examiner's edited version, but with the proposed text from Table 4 of the Tower Hamlets Reg 16 response also added to ensure the working of the reworded policy is clear, and that the plan therefore meets the basic conditions with regard to the need for clear drafting.
7.2	I therefore recommend that the supporting text at para 4.6.4.1.1 [underneath policy CC1] be modified in accordance with Table 5 in the Council's recommendations.	Agreed. It is noted that the Council and the Forum proposed a different change to the wording after the examination started, but that the examiner has preferred the wording in the original representation. It is also noted that the examiner's recommendation in the report and his edited version of the plan differ - he has recommended that the Council's suggested wording be used, but has used slightly different wording in the edited version. We have reverted to the wording used in the Regulation 16 consultation response, as this highlighted that consultation on CMP changes will be run by the Council and will be in line with 'the principles of the SCI', rather than adhering to a specific reference in the SCI (which does not contain any specific references to CMPs at this time). The possibility of a future update to the SCI to contain more detailed information has also been included.

7.3	I recommend that supporting paragraph 4.6.7.2 [underneath policy CC2] also needs some clarifying in terms of how the policy would operate in the context of the Council's Statement of Community Involvement, as per my edited version.	Partially agreed - the reference to the SCI is accepted, but the proposed sentence has been edited to explain which element of the SCI is relevant and to state that notification under this policy should 'consider' the SCI standards rather than 'comply' with them - this is because the policy puts the onus for notification on developers, whereas the SCI is a document applicable to consultations and notifications run by the Council.
8.4	To avoid the extent of duplication with higher-level policy, but to recognise the merits of the Home Quality Mark in the plan area, an approach the Council supports, I recommend that the policy [SD1] be modified as follows: [see report for details]	Agreed. This ensures that the policy has suitable regard to national guidance on requiring energy standards in new development.
9.5	Overall, I conclude that the policy [AQ1] represents unnecessary duplication and I recommend that it should be deleted; it follows that the supporting text needs to be deleted too. However, to retain the structure of the plan, as Air Quality will no longer contain a policy, I suggest that this whole section be transferred to the Annex, including a statement regarding the Council's commitment on the 'long plan' [to support the Forum in developing a climate change policy]. The deleted policy could be re-expressed as an aspiration.	The text has been transferred to the Annex. The policy text has been retained, reformatted and with minor textual changes in consistency with the rest of the Annex. After discussion with the Forum, a sentence has been added to highlight that this text was submitted as a policy and moved to the annex on the examiner's recommendation.
10.4	While the benefits of showing the interiors of tall buildings for other purposes is recognised, making it a requirement to display internal layouts I regard as excessive, given the prime purpose of 3D modelling into which individual models will fit. I therefore recommend that the policy [3D1] be modified as follows: [see report for details]	Agreed. This will ensure the policy has suitable regard to national policy and guidance.

11.7	<p>I consider that to comply with the Basic Conditions the policy cannot require a ballot but only encourage one. The suggested way of dealing with this, in the Council's proposed amendments - see Table 7 of their representations - commends itself to me. Taking all these points into account I recommend that the policy [RB1] and supporting text be modified as per Table 7 of the Council's representations.</p>	<p>Agreed. This will ensure the policy has suitable regard to national policy and guidance.</p>
12.4	<p>In order to meet the Basic Conditions and to achieve the clarity required by Guidance, I recommend that the Annex be moved to the end of the plan document and that the text be modified, in all cases, to replace 'provisions' or 'requirements' with 'aspirations' and to clarify elsewhere that the aspirations are not to be taken into account as part of the development management process. I have done this, for example by deleting some text and adding words like 'the Forum advocates...', in my edited version of the Plan.</p>	<p>Agreed. This will provide clarity on the status of the Annex, and therefore have suitable regard to national policy on the need for clear and unambiguous drafting.</p>
12.7	<p>I recommend that aspirations ER1-7 are modified in accordance with Table 8 of the Council's suggested amendments, with two exceptions: 1. Their first suggestion - in relation to paras 5.3.1 to 5.3.1.21, that they be moved to section 7: I have retained them and made appropriate edits within the Annex itself; and 2, in relation to their fifth suggestion - concerning the George Clarke Review - which I have deleted as these are unduly prescriptive.</p>	<p>Agreed. This will provide clarity on the relationship between policy RB1 and the Annex, and therefore have suitable regard to national policy on the need for clear and unambiguous drafting.</p>
12.8	<p>For clarity I recommend that the Aspiration [ER8] be modified to be framed as advocacy and to qualify tenant rights.</p>	<p>Agreed. This will provide clarity on the status of the Annex, and therefore have suitable regard to national policy on the need for clear and unambiguous drafting.</p>
12.9	<p>I believe it [Annex Aspiration ER9] can be retained and I recommend that the offending references be deleted and that Aspiration 9 is framed as advocacy.</p>	<p>Agreed. This will provide clarity on the status of the Annex, and therefore have suitable regard to national policy on the need for clear and unambiguous drafting.</p>

12.10	Again, this [Annex Aspiration GR1] needs to be drafted as advocacy rather than a set of requirements (e.g. 'developers must') and I recommend that the text be modified to be expressed as such, as per the modifications in the edited version.	Agreed. This will provide clarity on the status of the Annex, and therefore have suitable regard to national policy on the need for clear and unambiguous drafting.
12.11	Again, it will be helpful for the text [CIL Spending Priorities] to be slightly modified to make it clear that what is being proposed is advocacy. I recommend the very minor modifications, as per my edited version. This chapter could remain as part of the main body of the plan but, given it is a set of recommendations, it may be better located as part of the Annex.	Agreed. The Council has always considered this section to be part of the Annex, as it does not function as a plan policy. It does not direct a developer or a planning decision-maker, but rather guides the council towards CIL spending priorities for the area. Therefore, while the Council will take it into account in allocating CIL, we do not consider it a planning policy, and the text will remain as part of the Annex.
12.14	Section 9 sets out the next steps from the Regulation 14 stage. Once the plan is made section 9.1-9.5 will no longer be relevant and I recommend they be deleted.	Agreed.
13.2	I therefore recommend that the Referendum Area be the same as the designated neighbourhood area, if the plan goes forward to referendum.	Agreed.

Table 2: Additional Changes to the Plan

Final version para number	Change	Reason
2.1	Additional summaries added to summary section where they had not previously been included	Consistency of formatting
3.11	Removal of "which the forum considers are relevant planning considerations"	After discussion with the forum, this line has been deleted so that the paragraph now refers only to what is contained in the TH constitution, rather than positing a particular interpretation of what is or is not a relevant planning consideration. As a context paragraph, this is considered appropriate, and clarifies this paragraph.
3.17	"Applicants proposing relevant residential developments are required to provide an Infrastructure Impact Assessment explaining and justifying the impact of their proposal will have on planned and delivered Infrastructure (as defined in the draft London Plan) serving the Area against the then current Infrastructure analysis, updated for further consented developments as at the time of their application , together with other relevant information"	As written, the paragraph referred to the infrastructure analysis that was recommended for deletion. The replacement text refers to para 3.1.2 of the new London Plan as an appropriate approach for infrastructure impact assessments.
4.11	Paragraph added: "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."	This paragraph was included in the council's regulation 16 response, but it was not clear that the examiner intended the supporting text to be changed in line with that response, rather than just the policy text. However, this paragraph explained the meaning of 'reasonable endeavours' and, after discussion with the forum, it was agreed that its addition would aid clarity.

5.7	Removal of "The Forum considers that"	This was added by the examiner, but is considered more appropriate for an aspiration; policy wording should not be based on what the Forum considers should happen, but rather what is required.
6.6	"This policy is a reporting requirement and does not mandate the use of these standards, but developers should set out whether and how they meet the standards in a Design & Access Statement or other suitable document as part of a planning application. "	As written, following modification by the examiner, this paragraph referred to the policy as a reporting requirement, but the actual requirement to report was not set out in detail. This modification sets out the reporting expectations for clarity.
7.12	Removal of "The Forum considers that"	This was added by the examiner, but is considered more appropriate for an aspiration; policy wording should not be based on what the Forum considers should happen, but rather what is required.
Annex 1.23	Paragraph added: "In addition to policy RB1 in this Neighbourhood Plan relating to GLA funding and resident ballots, other issues arise in the context of estate regeneration. The Forum therefore advocates that the following aspirations should also apply to estate regeneration."	Added as a transition from the discussion of ballots in the preceding paragraphs, to the remaining Annex Aspirations, which are unrelated to ballots. The Annex Aspirations relating to ballots have been removed on the recommendation of the examiner, hence the need for this transitional paragraph.

EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	<p>Isle of Dogs Neighbourhood Plan</p> <p>The plan has been prepared by the Isle of Dogs Neighbourhood Planning Forum and forms part of the neighbourhood planning process. It sets out policies for the development of the Isle of Dogs Neighbourhood Planning Area.</p> <p>Neighbourhood Planning is a right for communities introduced through the Localism Act 2011. Under the Act, communities can shape development in their areas through the production of Neighbourhood Development Plans and other planning tools.</p> <p>The plan has been through an independent examination, and will be voted on in a referendum before formally becoming part of the development plan.</p> <p>Adoption of the plan will be via independent examination and public referendum.</p>
Directorate / Service	Strategic Planning, Place Directorate
Lead Officer	Steven Heywood, Planning Officer
Signed Off By (inc date)	Marissa Ryan-Hernandez 27.04.20
Summary – to be completed at the end of completing the QA (using Appendix A)	<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: #008000; margin-right: 10px;"></div> Proceed with implementation </div>

(Please provide a summary of the findings of the Quality Assurance checklist. What has happened as a result of the QA? For example, based on the QA a Full EA will be undertaken or, based on the QA a Full EA will not be undertaken as due regard to the nine protected groups is embedded in the proposal and the proposal has low relevance to equalities)	As a result of performing the QA checklist, the plan does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.
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Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	Each policy in the plan explains the context and reason for the policy, and following modifications all policies are clearly written.
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	The makeup of the community is defined within the Consultation Statement and Basic Conditions Statement using 2011 census data.
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	A number of quantitative and qualitative data sources have been used to inform the plan policies, including population data and data relating to land use.
	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	The plan has considered local/regional and national planning policy guidance including council policies and plans (including the Core Strategy, the Managing Development Document, the South Quay Masterplan and the emerging Local Plan 2031), the adopted London Plan and emerging London Plan,

			and the National Planning Policy Framework. Other local research has also been undertaken as part of the plan development process.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	<p>The purpose of neighbourhood planning is to provide the opportunity for local communities to play a greater role in determining the future of their area. The plan has therefore been led by the local community.</p> <p>However, the process has also been supported by Council planning officers and other professional advice has been sought.</p> <p>Consultation on the draft plan has been undertaken with statutory consultees (such as Transport for London and Historic England) as well as local stakeholders and Council officers and revisions to the plan have been made accordingly.</p> <p>The plan has undergone an independent examination process led by a qualified and experienced examiner of neighbourhood plans.</p>
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	The Consultation Statement evidences a wide-reaching consultation process with stakeholders and users from groups who live or work within and around the neighbourhood area and would therefore be impacted by the plans.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	The Basic Conditions Statement includes an assessment of the impact of the proposed policies on groups with protected characteristics (pages 23 and 24).
b	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	The Basic Conditions Statement includes an assessment of the impact of the proposed policies on each of the groups with protected characteristics (pages 25 and 26). This demonstrates an understanding of the need to consider

			impacts on different groups.
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	Unsure	The plan sets out the development of a longer, more detailed neighbourhood plan as the next step to further address the issues in the area – but detail is limited.
b	Have alternative options been explored	Yes	The plan has been revised following consultation and input and a previous version of the plan has been examined before and then amended subsequent to resubmission – which shows that different policy options have been considered and amended.
5	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The plan will be monitored as part of the Council's Annual Monitoring Review (AMR) of local plan documents.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics?	Yes	The AMR will capture the monitoring and review of the plan and track the impacts.
6	Reporting Outcomes and Action Plan		
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	Yes	The Basic Conditions Statement includes a summary which assesses the key findings on groups with protected characteristics.