

O&S Call-In: Rights of Light - City Pride Development & Island Point Development

We hereby call-in the Mayor's decision in Cabinet (Wednesday 7th January) with regard to the Rights of Light.

A decision was taken at Cabinet to acquire from developers the land at City Pride on the Isle of Dogs in order to break the right to lights for neighbouring residents. After breaking the right to light the Council would then transfer the property rights back to the developer.

The Council is proposing to intervene in a commercial dispute between a developer and local residents - taking the side of the developer against the interests of its own residents - using legislation which was intended to be used in the development of major public infrastructure and not in residential developments. The existing legislation in such matters specifically provides for such disputes to be resolved at law, creating a "*balance between development and protection, influenced by the particular factors of the situation favouring injunction or damages.*" [Law Commission report Rights to Light 2014]

The Council is not a disinterested party in this matter with the large amount of s106 planning gain at stake and has no business intervening in a purely commercial dispute.

This call-in will give the Mayor the opportunity to consider whether this intervention is appropriate and whether it could have further consequences by setting a precedent in relation to other development in the borough.

Alternative courses of action:

- That the Mayor fully consider and outline the impact of such a decision on future developments in the borough
- That the decision on rights of light be left to the courts

Signed:

Cllr Candida Ronald

Cllr Shiria Khatun

Cllr Andrew Cregan

Cllr Marc Francis

Cllr Rachel Blake