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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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. 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 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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2 VISION AND OBJECTIVES; possibly add SUMMARY here

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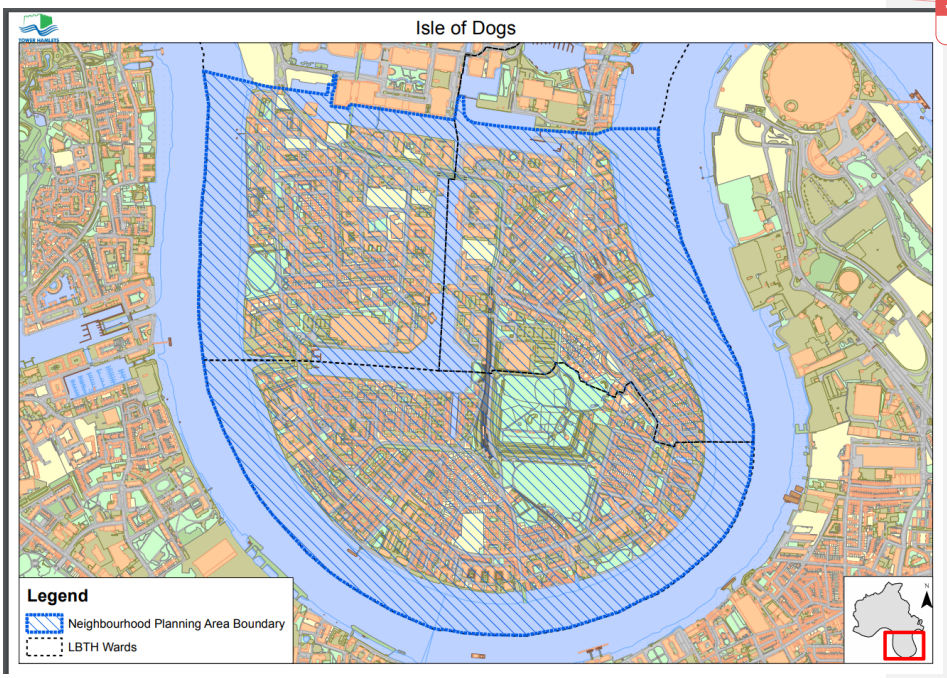

2.1 The following vision and objectives were drafted by the Isle of Dogs community before embarking on the drafting of a formal Neighbourhood Plan. They do not form part of the statutory part of this Plan, and some of the objectives may well be delivered through other means, or have been adjusted following 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"

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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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year[3], 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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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
3D1 – 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]

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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.

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_BQIwus&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 2014[9], 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 surfeits are highlighted.~~

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

[14] https://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

Insert Recommended modifications from the Report, without numbering

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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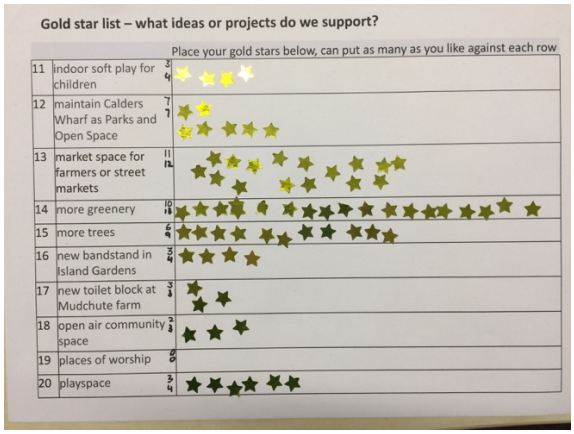

ii. HOW POLICY ES1 WORKS

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~~could 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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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]

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, PM_{10} 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 Dogs[30], 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

~~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]

i. 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 (NO_2), carbon monoxide (CO), formaldehyde and volatile organic compounds (VOCs). Carbon dioxide (CO_2) 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 Plan[36], 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 (CO_2) and ozone (O_3)) and local air pollution. The latter contains particles (such as PM_1, $PM_{2.5}$ and PM_{10}) and gases. The most important regulated gas for legal purposes in ambient air is nitrogen dioxide (NO_2). NO_2 is an easily measured indicator of combustion emissions from road traffic and gas heating and cooking. NO_2 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 NO_2 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 PM_1) and BS CEN ISO 10121-2:2013 (for gases). These standards can be applied to reduce energy use and CO_2 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

i. 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' document[38] 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

9.1For the context for this policy Chapter, see Annex A 1 (Estate Regeneration), ~~at Para 0 [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~~ is made ~~and~~ any conditions set by the GLA needs to be followed, including without limitation the GLA's Resident Ballot Requirement Funding Condition.

ADD NEW PAGE: END OF PLAN POLICIES

[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

[Suggested use simple para numbering – Eg. 1.1, 1.2 etc]

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

i. 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 report[48] 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://heygatewashome.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 2016[50] 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 Federation[51]
- ResPublica. Great Estates: Putting communities at the heart of regeneration November 2016[52]
- Altered Estates How to reconcile competing interests in estate regeneration 2016[53]

[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/altered_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 knows. 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 Government[58], 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 ERX – 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 ERX

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 ERX WORKS**~~

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

ANNEX ASPIRATION ERX – 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~~ suplus is generated, the Forum advocates that the Public Landowner ~~must~~ indicates 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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~~REASONS FOR ANNEX ASPIRATION ERx~~

~~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 ERx WORKS

1.24 If a local suplus 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 ERx. Should the ~~profit~~ suplus be generated through the sale of land to a third party, the Forum advocates that the Public Landowner ~~should~~ makes 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

i. 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 OAPF[62] (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 DIFS[64], 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 earnt 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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