

our ref: Q50184
email: sarah.price@quod.com
date: 19 April 2017



Isle of Dogs Forum
12 Neptune Court
Homer Drive
London
E14 3UQ

By email: isleofdogsnpf@gmail.com

Dear Sir/Madam,

DRAFT ISLE OF DOGS NEIGHBOURHOOD PLAN (MARCH 2017) REGULATION 14 CONSULTATION – REPRESENTATIONS ON BEHALF OF ONE HOUSING WORKING WITH ARGENT

These representations are submitted on behalf of One Housing and Argent, in response to the Neighbourhood Plan (March 2017) consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended).

One Housing and Argent welcome the opportunity to respond to this Plan and to work with the Neighbourhood Forum to ensure that any development within the Isle of Dogs comes forward in a sustainable and positive way, with the appropriate infrastructure, whilst delivering much needed homes.

One Housing owns and manages over 15,000 homes across London and the South East, including over 5,000 homes within the London Borough of Tower Hamlets (LBTH). Approximately 2,100 of these homes are located on four housing estates on the Isle of Dogs: Barkantine, Kingsbridge, St John's and Samuda. One Housing is a major contributor to new homes in London with a significant mixed tenure development pipeline.

Argent is a highly-respected UK developer. Whilst Argent is responsible for long-term projects such as the redevelopment and regeneration of King's Cross, it does not believe in a one size fits all approach and would work with One Housing to respond to what its residents and the Isle of Dogs need.

One Housing and Argent have worked together previously, over a number of years, at King's Cross. They have formed a Joint Venture partnership (hereafter referred to as the "JV") and are working together and with residents to consider potential options for the future of the four estates on the Isle of Dogs. While no decisions have been taken in favour of redevelopment, or what form that may take, the prominence of the estates within the Isle of Dogs and South Poplar Opportunity Area Planning Framework ('OAPF') area means it is reasonable to recognise that they could play an important role on the Isle of Dogs, both in terms of improved and additional housing (including affordable housing) and strategic infrastructure for those estates and the wider area.

The JV welcomes the opportunity to help shape the draft neighbourhood planning and housing policies. Overall, the JV consider that the Draft Neighbourhood Plan recognises the key challenges relating to the Borough's future growth and the need for careful planning to ensure that this growth is met in a sustainable way that respects the existing communities in the Borough and is supported by the appropriate infrastructure.



The JV note that the Forum is taking the approach of delivering a ‘quick’ Plan while in parallel working on a more detailed ‘long’ plan which will then replace the former. For these reasons, the number of policies of this draft Plan are limited in comparison to other Neighbourhood Plans and they comprise those policies considered most urgent by the Forum. It should be noted, however, that should the ‘long’ plan not come forward, this Plan will act as a stand-alone plan. This Plan will therefore be assessed by LBTH against the basic conditions in the Planning and Compulsory Purchase Act 2004 as they would any other Neighbourhood Plan.

In order for the Draft Neighbourhood Plan to meet the basic conditions, it needs to be developed in conformity with the strategic policies of the current development plan. As the wider strategic policy context for the Isle of Dogs is continuing to be developed (with the Draft Local Plan, emerging Opportunity Area Framework (OAPF) and supporting evidence base) the Draft Neighbourhood Plan needs to be consistent with this.

The Draft Neighbourhood Plan includes specific policies relating to estate regeneration and the provision of infrastructure. We consider that it would be helpful to add further “neighbourhood” detail on issues such as local infrastructure requirements by neighbourhood/estate; and potentially appropriate locations for tall buildings and high density development. We have set out two helpful examples below which demonstrate how Neighbourhood Plan policies should address land use matters and how a Neighbourhood plan can add local detail to estate regeneration.

As a starting point, it should be recognised that the Neighbourhood Plan should principally deal with land use matters.

Paragraph 16 of the National Planning Policy Framework (NPPF) sets out that **“a neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development”**. Paragraph 4 of the National Planning Policy Guidance explains that **“a neighbourhood plan must address the development and use of land [...] but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”**

Another Neighbourhood Plan going through this process is the Bookham Vanguard Neighbourhood Plan. The Independent Examiner’s Report for the Bookham Vanguard Neighbourhood Plan (Bookham NP) was received on 5th October 2016. The Examiner’s report concluded that the Bookham NP meets the basic conditions for the preparation of a neighbourhood plan, subject to a series of recommended modifications. Of note, there are numerous instances where the independent examiner recommended the deletion of policies where they included non-land use matters which are not appropriate for a Neighbourhood Plan. We have included two quotes of particular reference from the Examiner’s Report below:

Paragraph 7.43:

“The other elements of the submitted policy are not land use issues. They refer to the spending decisions of commercial operators or the willingness of the local community to use part of its local CIL monies to assist in implementation. As such I recommend the deletion of these elements of the policy and their transfer into the supporting text.”

Paragraph 7.47:

“Whilst this information is of particular significance to the local community a neighbourhood plan can only address matters within its geographic area. Similarly matters such as school catchment areas and other administrative issues are not land use matters. On this basis I recommend the deletion of the second paragraph of the policy (and which refers to a secondary school outside the Plan area). I also recommend the deletion of the third part of the policy (and its relocation into the associated supporting text) as the matter of using the local element of CIL funding is not directly a land use issue.”

Mole Valley District Council agreed to accept the Examiner's recommendations and to make modifications to the draft Plan in accordance with the Examiner's Report. The Bookham NP is proceeding to a referendum which will be held in May 2017.

As such, whilst we recognise that they are important to the local community, it is not appropriate for the Neighbourhood Plan to contain policies in relation to tenant and leaseholder rights and we have set out comments on these draft policies in the table below. The JV therefore recommend that the Isle of Dogs Neighbourhood Forum reconsider some of the draft policies as was done in the case of the Bookham NP.

The Lakes Estate in Milton Keynes is another helpful example of the way in which a Neighbourhood Plan can add local detail to estate regeneration. This was adopted in October 2015, following a successful referendum. This document included detail such as the approach to opportunity sites, detailed policies for particular sites, green space, local opportunities for enhancement, car parking, communication and continued engagement with the community. Examples of detailed policies include:

“CO1: To ensure that all development responds positively to the established character of the Lakes Estate.

CO2: To ensure that new development provides a suitable mix of housing types across all tenures, with particular regard to provision of affordable housing, to meet the housing needs of the local community.

CO3: To encourage the provision of small scale commercial uses on appropriate sites to support the creation of job opportunities.

CO12: To ensure that a meaningful community consultation exercise is undertaken before the submission of any regeneration proposal on the Estate, to identify relevant and necessary planning obligations that are appropriate to the local area and meet the needs of the local people.”

In addition to the comments above, the JV has a number of more detailed observations on the Draft Neighbourhood Plan Policies, set out for ease of reference, in tabular format below.

Policy	Comment
D1 – Density and Infrastructure	<p>The JV supports that Draft Policy D1 seeks for developments above the maximum recommended densities in the London Plan to only be approved if supported by sufficient infrastructure to sustain the increase in population in the area</p>
D2 – GLA’s Housing SPG	<p>The JV notes that Draft Policy D2 includes guidance on considering schemes above or below the ranges in the density matrix (Paragraphs 1.3.50 to 1.3.52) from the Mayors Housing SPG (2016) to give it greater weight. Draft Policy D2 notes that the Mayors SPG “is in favour of high density in targeted areas, but still exceptional and subject to local conditions, which is where this NP is relevant”. This draft policy, however, does not go on to provide any further clarity on the ‘local conditions’ which would be helpful in considering appropriate development height, density etc. and where this could be located.</p>
CIL1 to CIL3	<p>The JV note that Draft Policies CIL1 to CIL3 identify that 15% of CIL from developments in the Area is known as the Neighbourhood Pot and that the pot will increase from 15% to 25% of CIL after this Plan is adopted. The JV note that the following are included in the list of 14 projects that the neighbourhood portion of CIL may be spent on.</p> <p>“10. Stock conditions survey of estates 11. Options appraisal of estate 12. Advice and support to residents in estate regeneration”</p> <p>The JV however recommend the deletion of this list under Policy CIL3 and its relocation to the associated supporting text as the matter of using CIL generated in the area to project manage infrastructure projects and/or estate regeneration schemes is not directly a land use issue.</p>
CIL4 – All CIL for the area	<p>The JV note that Draft Policy CIL4 and justification text acknowledge that the Draft Local Plan has identified a £640 million funding gap between the infrastructure needs of LBTH and the likely income over the next 15 years. The JV support that the Draft Neighbourhood Plan calls for LBTH to focus CIL & S106 spending on the Isle of Dogs as one of the areas undergoing the most intensive development. The JV also support that the Forum also reference the GLA’s DIF study and will review this policy CIL4 once the DIF study is completed and all the related Infrastructure projects have been identified and their funding established.</p>

Policy	Comment
ER1 – Right to vote to approve or reject final proposals	<p>Part 6) sets out that <i>“a vote would be triggered by any proposal that would involve the demolition of blocks or the addition of an extra 10% of homes through other methods like infill or adding extra floors.”</i></p> <p>Part 7) sets out that <i>“the vote must take place before any related planning application is submitted”</i>.</p> <p>As set out above, whilst we recognise that this is an important issue for the community, this type of policy is not a land use policy and therefore not appropriate for a Neighbourhood Plan.</p>
ER2 – Conduct of Elections	<p>As set out above, whilst we recognise that this is an important issue for the community, this type of policy is not a land use policy and therefore not appropriate for a Neighbourhood Plan.</p> <p>Notwithstanding this, the JV emphasise the complexity of a simple yes/no vote and its implications on the ability for all residents to engage in an informed way.</p>
ER4 – Right of return	<p>As set out above, whilst we recognise that this is an important issue for the community, this type of policy is not a land use policy and therefore not appropriate for a Neighbourhood Plan.</p>
ER5 – Tenants’ rights and costs	<p>As set out above, whilst we recognise that this is an important issue for the community, this type of policy is not a land use policy and therefore not appropriate for a Neighbourhood Plan.</p>
ER6 – Leaseholder and freeholder rights	<p>As set out above, whilst we recognise that this is an important issue for the community, this type of policy is not a land use policy and therefore not appropriate for a Neighbourhood Plan.</p>
ER8 – Public profit investment	<p>The JV support that any profit generated by public bodies in the Area should be re-invested in the Area, either through Infrastructure investment or additional affordable housing in the Area and the Forum should be notified.</p>
ER9 – Recommendations for housing regeneration	<p>This Policy endorses and lists ten recommendation put forward in George Clarke’s Empty Homes Review for the Department of Communities and Local Government (June 2012). The supporting</p>

Policy	Comment
	<p>text seeks that <i>“This Plan converts those recommendations into Policy”</i>. The recommendations include:</p> <ul style="list-style-type: none"> • Refurbishing and upgrading existing homes should be the first and preferred option and demolition should be the last option after all forms of market testing and options for refurbishment are exhausted. • Full engagement with the community and an open and transparent consultation process. • If demolition is still the preferred choice then tenants/owners should be offered ‘like for like’ properties and should suffer no net financial loss. • A considered and coordinated decant and demolition strategy. • 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. • Tenant and owner rights e.g. ‘right to return’. <p>Demolition needs to be considered as part of an informed options appraisal process – recognising the pros and cons of each approach. Matters such as requiring that tenants/owners should suffer no net financial loss are not land use planning matters and should not be covered in the Neighbourhood Plan.</p> <p>The JV support some of the recommendations, such as good consultation and a considered and coordinated decant and demolition strategy, but emphasise that these recommendations were not tested and many points go beyond planning matters (although we recognise that they are important considerations in gaining public support for any proposals).</p>
<p>GR1 – Grandfathering Residents’ Associations</p>	<p>Draft Policy GR1 seeks to introduce a requirement for developers to help establish new residents’ associations as a condition of planning consent for new developments with at least 50 units.</p> <p>This policy is not land use based and therefore not appropriate for a Neighbourhood Plan. The JV however recognise the importance of helping to establish, support and work with residents’ associations and the JV parties already engage with a range of resident groups.</p>

The JV is keen to engage with the Forum and local people to support the development of the Neighbourhood Plan, to ensure that development on the island is planned coherently and that the necessary infrastructure is in place to achieve the full potential for any new homes on the four estates should some form of redevelopment take place. We do however have concerns that many of the policies in the plan are not land use based and therefore suggest that they be deleted and these issues are dealt with through continued engagement with the community.

Yours sincerely,



Sarah Price
Director