



Westferry Printworks
Appeal Reference: APP/E5900/W/19/3225474
Planning Application Reference: PA/18/01877/A1
Application of Isle of Dogs Neighbourhood Plan Policy D1 (Infrastructure Impact Assessment)

We agree with LBTH in their letter of the 26th August that the inquiry should be re-opened and that the appellant's compliance with the Neighbourhood Plan be included in that process.

However given the lack of clarity over next steps and to avoid a situation where we have not commented, we set out below some relevant comments on the appellant's response and in respect of the secondary school on the site. These do not represent our views on all areas of policy compliance, as we still expect this to be done in a public inquiry.

The appellant has accepted that, under the current planning practice guidance, the Isle of Dogs Neighbourhood Plan should be given significant weight in decision-making, as a material change in circumstances since 14th January 2020 when the Secretary of State made his decision, which he has now quashed.

Policy D1 of the Isle of Dogs Neighbourhood Plan provides as follows:

A. To support Sustainable Development and in view of the strain on Infrastructure in the Area and the shortage of publicly owned land, applicants for residential developments exceeding 1,100 habitable rooms per hectare in locations with a PTAL of 5 or less are required to complete and submit an Infrastructure Impact Assessment as part of the planning application.

B. Where the Infrastructure Impact Assessment indicates that there is sufficient planned and delivered Infrastructure capacity to support proposed densities, the proposal will be supported.

C. Where the Infrastructure Impact Assessment indicates that there is insufficient planned and delivered infrastructure capacity to support proposed densities then potential improvements to Infrastructure capacity should be assessed and proposed, having regard to the CIL contribution that the development will make, and the requirement for planning obligations to be necessary, directly relevant, and reasonably related in scale and kind to the development.

D. If the proposed development is contingent on the provision of new or enhanced Infrastructure (including, without limitation, public transport services), the development should be phased accordingly.

E. Infrastructure impacts will be considered unacceptable where they result in negative impacts that cannot be adequately mitigated through CIL contributions and/or planning obligations.

Paragraphs 3.17 and 3.18 of the Neighbourhood Plan explain how this policy is to be applied, as follows:

3.17 Applicants proposing relevant residential developments are required to provide an Infrastructure Impact Assessment explaining and justifying the impact their proposal will have on planned and delivered Infrastructure (as defined in the draft London Plan) serving the Area,





together with other relevant information – such as, without limitation, material changes in relevant regulations, available Infrastructure, and population demographics – to enable planning officers and committees fully to assess their application in context.

3.18 *The Infrastructure Impact Assessment should identify actions by the applicant that could contribute to the positive impacts of development on Infrastructure capacity and mitigate the negative impacts. This may include, but is not limited to, contributions offered as part of a 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.*

The draft London Plan definition of “Infrastructure” – the definition expressly used for the Isle of Dogs Neighbourhood Plan – includes “**transport, energy, water, waste, digital/smart, social and green infrastructure**”. The definition of those terms is clarified in the draft London Plan as follows:

‘Transport assessments’ are defined as follows: “This is prepared and submitted alongside planning applications for developments likely to have significant transport implications. For major proposals, assessments should illustrate the following: accessibility to the site by all modes; the likely modal split of journeys to and from the site; and proposed measures to improve access by public transport, walking and cycling.”

‘Water space’ is defined by reference to ‘Blue/water space’, and that’s defined as “Areas covered by water including the River Thames and other rivers, canals, reservoirs, lakes and ponds”.

‘Digital infrastructure’ is defined as “Infrastructure, such as small cell antenna and ducts for cables, that supports fixed and mobile connectivity and therefore underpins smart technologies”.

‘Smart infrastructure’ is defined as “Infrastructure, such as sensors, that produce, analyse and help to securely share data on the performance of the built and natural environment, as opposed to data purely on economic or social performance”.

‘Social infrastructure’ is defined as covering “facilities such as health provision, early years provision, schools, colleges and universities, community, recreation and sports facilities, places of worship, policing and other criminal justice or community safety facilities, children and young people’s play and informal recreation facilities. This list is not intended to be exhaustive and other facilities can be included as social infrastructure”.

‘Green infrastructure’ is defined as comprising “the network of parks, rivers, water spaces and green spaces, plus the green elements of the built environment, such as street trees, green roofs and sustainable drainage systems, all of which provide a wide range of benefits and services”.

In this case, the appellant has not provided an Infrastructure Impact Assessment as now expressly required by Policy D1 for all relevant applications, as the policy was not in force until April 2020, and therefore after its original application was lodged. It is however now required for this new application.

In its consultant DP9’s submission to MHCLG dated 25th August 2020, it has instead simply stated in relation to Policy D1:





A Utilities Infrastructure Report was submitted with the planning application, which assessed the impact on electricity, gas, potable water supply, telecommunications and drainage. The submitted Transport Assessment (Volume 3 of the Environmental Statement) reported on capacity of transport infrastructure, which has informed the planning obligations required to mitigate the impact on transport infrastructure. The Environmental Statement assesses the developments impact on social infrastructure (school and healthcare provision). The planning obligations and CIL contributions of the development will mitigate impact of the development on local infrastructure.

But when the Utilities Infrastructure Report is read it says nothing about capacity. It is a report about connections to the various utility networks: not whether those utility networks will be ready to supply this new development and all of the other ones with planning permission that are not yet complete.

The Rapid Health Impact Assessment appendix says nothing about GP surgery capacity either.

The Environmental Statement's Non-technical Summary does not really summarise the infrastructure situation, although it does summarise the other planning applications in the area. For example it says "The Development will include a health centre." But it is unclear what that means. Is it appropriately sized to be an NHS surgery? Have the NHS been involved in the design? What is the demand?

In view of the detailed definition of "Infrastructure" in Policy D1, changes to local conditions since the original application, and the policy's express requirement for a formal Infrastructure Impact Assessment to enable planning decision-makers "fully to assess their application in context", the appellant's summary comment on Policy D1 is inadequate, and therefore fails to comply with current planning policy.

The provision of a new secondary school and community centre on-site is very welcome, and does meet one of our key objectives, which is the delivery of on-site infrastructure. However we are very concerned that, more than four years after the original planning application was approved, several years after construction has started, and about a year since the car park on-site was closed leaving the site empty, that the lease to transfer the school site to LBTH has not yet been signed by the appellant.

This has raised concerns locally about the supply of new educational infrastructure for our already rapidly increasing population, given that the two secondary schools in the Neighbourhood Area are not in new purpose-built accommodation. George Greens school buildings are ageing and need to be replaced, and Canary Wharf College Secondary is in a small temporary building whose planning permission expires soon. We are therefore deeply concerned about the long and unjustified delay in signing this lease by the appellant. We hope that the announcement today about George Greens being rebuilt and the Department of Education taking responsibility for the Westferry school site will result, as promised last August in a signature of the lease 'tomorrow'.

Ralph Hardwick

Chair of the Isle of Dogs Neighbourhood Planning Forum

23rd September 2020

