

GREATER LONDON AUTHORITY

Planning Report PDU/Isle of Dogs & South Poplar OAPF/ 02

14 October 2019

Isle of Dogs & South Poplar Opportunity Area Planning Framework

Report to the Mayor seeking approval to adopt the Isle of Dogs & South Poplar Opportunity Area Planning Framework.

Context & background

- 1 The Isle of Dogs is identified and referenced as an Opportunity Area in Policy 2.13 and Annex One of the London Plan. This Opportunity Area forms a strategically significant part of London's world city offer for financial, media and business services and is recognised as part of the CAZ for office policy purposes, with Canary Wharf also functioning as a Major town centre for its workers and more local communities. Transport investment including the opening of the Elizabeth Line and upgrades to the Docklands Light Railway will support delivery of an additional 110,000 jobs by 2031 alongside significant potential to accommodate a minimum of 31,000 new homes.
- 2 South Poplar lies to the immediate north of Canary Wharf and includes some of the most deprived wards in the UK in terms of socioeconomic outcomes. It has been included within the boundary of this OAPF to ensure that the area and its communities have the potential to benefit from the scale of opportunities and potential growth on the Isle of Dogs and to overcome physical barriers between the two areas.
- 3 Paragraph 2.1.4 of the draft New London Plan sets out that Opportunity Area Planning Frameworks (OAPFs) can represent the first stage in a plan-led approach to providing significant quantities of additional jobs and homes, improvements to transport and other infrastructure, and better access to local services. The Mayor recognises that there are different models for taking these forward depending on the circumstances and development needs of each Opportunity Area, and for translating these frameworks into policy in Development Plan documents and Supplementary Planning Documents. Whatever model is used, the draft London Plan sets out that frameworks must be prepared in a collaborative way with local communities and stakeholders and this OAPF has benefitted from extensive community engagement throughout its development. Given the development pressures experienced in the OA, the document also has mitigation and delivery as key drivers and makes a number of recommendations to ensure 'Good Growth' is deliverable.
- 4 A draft version of the OAPF was published for consultation between 6 June 2018 and 1 August 2018. As a result of this, 28 consultation responses were submitted by a variety of stakeholders including developers, agents, borough councils, campaigning groups, and local residents. The majority of responses were supportive of the Mayor's objectives for this OA. However, there were a diversity of views concerning how best to ensure good growth in this opportunity area. Officers have analysed the responses and, where appropriate, updated the OAPF having considered the responses. A consultation report (Appendix E) will be published alongside the final OAPF setting out the responses received and the action taken.

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5 The OAPF does not and cannot introduce new policy. Its main aim is to provide greater guidance on the implementation of London Plan within this specific Opportunity Area and the OAPF sets out design guidance for the identified 'areas of change' to achieve this. Given the publication of the draft London Plan and the Tower Hamlets emerging Local Plan (October 2017) it was necessary to delay finalisation of the draft OAPF to ensure the document was in line with emerging strategic and local policies.

6 Detailed information on the structure and content of the OAPF as well as the consultation strategy is set out in the consultation report for this document (Isle of Dogs & South Poplar OAPF/01). This report sets out the main changes to the consultation draft OAPF.

OAPF consultation summary

7 An 8-week public consultation was undertaken on the Draft Isle of Dogs and South Poplar Opportunity Area Planning Framework and its supporting documents and evidence base from June 6 to 1 August 2018. This consultation was advertised on the Greater London Authority website along with dates for public consultation events at Crossharbour DLR station and Canary Wharf LU station in July 2018. These events, which were also advertised on social media, were attended by over 30 members of the community who visited to discuss the OAPF directly with us and 50 copies of the document and 100 consultation fliers were handed out. A workshop was also held with local Councillors on 10 July 2018 where broadly positive comments were received.

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8 Following the consultation period, 28 consultation responses were received from a wide range of local stakeholders including community groups, developers and individual land owners in addition to the detailed comments made by London Borough of Tower Hamlets officers on the OAPF and its supporting studies. Two additional consultation responses were received and accepted after the deadline had closed from the Isle of Dogs Neighbourhood Planning Forum and from the City of London Corporation. Table 1 below, sets out the full list of consultation responses to the draft OAPF.

| Key local stakeholders & community groups | Land Owners/Developers with site interests |
|---|---|
| LBTH | Canary Wharf Group |
| Port of London Authority | Ballymore |
| Canal & Rivers Trust | East India Dock (EID LLP) |
| Isle of Dogs Neighbourhood Forum | Savills/BA Pensions |
| Cllr Candida Ronald | Savills/Lyca Group |
| East End Community Foundation | DP9/Ashbourne Beech (Crossharbour Asda) |
| 4 Estates Forum | Gerald Eve/South Riverside |
| Millwall Arches | One Housing Group |
| Local Resident | Hondo Enterprises/Regal London |
| AG Freeholders | Greenland/Hertsmere Ltd |
| Environment Agency | East End Community Foundation |
| City of London | Savills/New City College |
| | Transport for London Commercial Development |
| | Asda/Pegasus |
| | Robert Ogden Indescon Developments Ltd |
| | Klein's Wharf |
| | Savills/Rockwell Property |
| | Savills |

Key themes from the consultation

9 The vast majority of the consultation responses are positive and provide general support for the aims and objectives of the OAPF as well as acknowledgment of the need for a plan to guide growth and delivery in this area due to intense development pressures. As some time has lapsed since the initial drafting and following policy developments in the summer, a number of responses queried the policy context and the OAPF has been updated to reflect the policies and site allocations boundaries of Tower Hamlets emerging Local Plan. Key themes in the responses to the consultation on the IoDSP OAPF are as follows:

- **Growth scenarios:** Some concern has been raised from community groups that even the baseline growth scenario requires too much infrastructure provision to be a sustainable growth option. Meanwhile developer groups support the higher growth scenarios in the spirit of optimising site delivery across the OA. *GLA comment: the scenarios have been agreed through a detailed capacity study and an extensive period of negotiation with LBTH and will not be changed in the final OAPF. The purpose of the OAPF and supporting development infrastructure study is to ensure that all potential infrastructure requirements are set out as part of the scenarios.*
- **35% minimum affordable housing:** Developers and landowners querying reference to 35% affordable housing suggested as the minimum that growth in the area should be able to support. The need for flexibility was referenced, given the significant social infrastructure requirements of the OA and the 35% 'threshold approach' set out in the draft New London Plan. Some developer responses have requested the removal of the

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reference to 43% affordable housing having been tested through the viability appraisal. *GLA comment: references to 43% removed and all references to 35% are set in the context of strategic policy and guidance.*

- Employment projections: CWG have objected to the 'carrying over' of previous employment targets and seek to have the employment growth previously delivered in the OA factored against any targets, which would then be revised downwards accordingly. *GLA comment: This has also been a key factor in the New London Plan Examination in Public – however no change is proposed as the employment figures have not been 'carried over' but have been calculated using employment ratios and instead coincidentally the same figure as previously calculated.*
- Preferred Office Location [POL]: CWG have also queried the ongoing relevance of the POL designation, given the recent change to a Metropolitan centre in the draft New London Plan and the required mix of uses to deliver placemaking and a vibrant local economy. *GLA comment: the importance of CW to the national economy requires the retention of this designation.*
- Housing Management Plans: welcomed by many consultees, but some developer groups have questioned their role within planning system. *GLA comment: we consider the proposed use of HMP is particularly appropriate in high density areas, such as the IoDSP and will retain references.*
- Transport capacity: general support for the transport and local connections package proposed. It has also been questioned whether the proposals in the transport strategy go far enough to support the proposed levels of growth and whether the package of transport measures can effectively mitigate the impacts of growth on the transport network. *GLA/TfL comment: the associated transport strategy has tested capacity and sets out a range of interventions to support the growth scenarios.*
- Building heights: Concern that the descriptions of building heights should not impede optimisation of sites. Particularly in those instances where transport capacity and previous consents would suggest that taller buildings may be appropriate. However, LBTH Local Plan does set a 'stepping down' approach in relation to 1 Canada Square and has commented in detail on proposed building heights, which are not set out in a prescriptive way in the document. *GLA comment: minor clarifications provided in response.*
- Open and green space: The need for open space to be protected and further space to be provided in the OA through site allocations was recognised and welcomed by community and public sector groups although some affected sites raised objections to allocations for green spaces within their development areas. *GLA comment: additional references provided in response.*
- Blue spaces – river and dockside: The need to increase access to blue spaces and waterways, to maximise the asset of the dockside for public realm and community activities (including on the water and water-based businesses) was recognised. The need to protect and enhance the biodiversity of the dock waters was also raised. *GLA comment: additional references provided in response.*
- River access: It was noted that access to the river is not always appropriate due to the tidal nature and hazards on the foreshore. Therefore some of the design and local connections proposals for River access will need to be revised. The Port of London Authority has also commented that references to waterborne freight and

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construction/logistics role of the river Thames in the OA also needs to be increased throughout the document, including reference to safeguarded wharves. *GLA officer comment: additional references provided in response.*

- Utilities and sustainability: Several sites have requested justification for the proposed district heat networks. Protection of the waste facility at Northumberland Wharf was welcomed and the need for further Air Quality and Green Strategies welcomed by the EA. *GLA comment: additional references and expanded content provided in response.*
- Delivery and funding: Raised multiple times, particularly with reference to the need to ensure that supporting infrastructure is provided and delivery is funded. While developer groups generally support the key infrastructure requirements and the need for a dedicated team to ensure this happens, many raised concerns that delivery mechanisms and proposed further studies should not result in a break on development in this opportunity area. Some consultees questioned the use of LBTH new homes bonus and S106/CIL funds to deliver new infrastructure. *GLA comment: these matters will be taken forward by the LBTH 'Regeneration Board' as part of the delivery phase.*
- Consultation: one complaint was registered regarding insufficient public consultation. *GLA comment: Officers are content that an appropriate amount of consultation has been carried out in relation to the production of this OAPF. In addition, the OAPF calls for ongoing public engagement in the delivery aspects of the OAPF which is now to be fulfilled by the LBTH 'Regeneration Board'.*

10 Tower Hamlets Council is the key statutory consultee and engagement partner on this OAPF. The GLA received a letter from Mayor John Biggs in June 2019, setting out essential amendments required to finalise the OAPF. These amendments have been completed in the final version of the OAPF, following this it is the GLA's understanding that Tower Hamlets are consequently committed to endorsing the OAPF. A summary of the key issues raised is set out below along with the GLA officer response. The majority of these comments have been addressed throughout the document where specific references are highlighted below.

- SPG status – clarity in decision making hierarchy.
GLA comment: The OAPF has been prepared as Supplementary Planning Guidance to the published London Plan however it also hooks to policies in the New London Plan and as such will be carried forward once the New London Plan is published. To future-proof this document the scenarios run to 2041. All relevant policy context updates in

relation to the emerging LBTH Local Plan have been added. The OAPF wording is updated to reinforce that this document provides further planning guidance to the London Plan and the Tower Hamlets Local Plan, highlighting that these documents have greater weight than this OAPF and should be referred to in the first instance.

- Growth scenarios – clarity on high and maximum scenarios are not targets but will inform the monitoring of additional growth above the baseline and will be underpinned by further assessments to deliver 'Good Growth'. This point is of great importance to the Council and is a fundamental amendment which we expect to be addressed.
GLA comment: The OAPF explains that the growth scenarios are GLA indicative capacities up to 2041 and should not be read as housing or employment targets, as they are not in the Local Plan and have not been assessed against an IIA. It is highlighted that any development coming forward triggering capacity above the baseline target and/or densities in the London Plan density matrix will require further assessments to ensure the principles of Good Growth are implemented.

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- Education – clarity on the role of LBTH as the education authority and align requirements with the Local Plan. Planning for school places was a key matter discussed at the new Local Plan's EIP which informed our approach to the allocation of schools in the plan. The Council's tested approach must be reflected in the final OAPF.
GLA comment: Reference to Tower Hamlets Council as the Education Authority is now included. It is advised to applicants to communicate with this authority for the latest and relevant information on school place needs. Primary school requirement figures have also been updated to better align with those of the Local Plan.
- Delivery – clarity on nature of recommendations.
GLA comment: The Delivery Plan chapter confirms its content to be recommendations and not requirements. Further clarity is provided on the context and status of relevant aspects in the recommendations, e.g. the LBTH Delivery Board is underway with LBTH establishing a regeneration board for this OA and that this board will be led by Tower Hamlets, including representatives from TfL and the GLA. Wording and case studies within this chapter have been refined and updated accordingly.

11 A number of queries have also been raised in relation to the evidence base and the supporting assessment documents, as follows:

- Development Infrastructure Funding Study (DIFS): impact of assessment for affordable housing on social infrastructure provision. Commercial floorspace objections, approach to land costs and approach to delivery deficit for social infrastructure. Mismatch in IDP and DIFS open space calculations
- Transport Strategy: updates required to Elizabeth Line delivery throughout and changes to the reflect the status of the Rotherhithe to Canary Wharf Crossing, in addition to the secured funding for DLR improvements through the successful HIF bid.
- IIA: further reference to Air quality impacts requested and references to the dock water required.

Summary of changes to the OAPF

12 All proposed changes to the OAPF have been shared with LBTH and other key stakeholders for final comment. There are no matters of substantive change to the OAPF however, there are a number of matters which have been expanded upon or clarified within the document which are summarised as follows:

- Updated policy references to the London Plan, Tower Hamlets emerging Local Plan and emerging Neighbourhood Plans.
- Clarify approach to 35% affordable housing, in line with strategic planning policy.
- Clarify the approach to employment projections in line with strategic planning policy.
- Ensure consistency in labelling of CAZ A/B and POL.
- Clarify site allocations requirements in Part 5 but maintain open space designations.
- Enhance references to water spaces throughout Parts 4 and 5.
- Separate the sustainability chapter into Sustainability (to include green and blue spaces, air quality and flooding) and Utilities (to include water, waste, power, district heat networks).
- Include a separate air quality section within Part 4 - sustainability.
- Update transport strategy in line with developments relating to the Elizabeth Line, Rotherhithe to Canary Wharf Crossing and the successful HIF bid to deliver enhancements to the DLR.

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- Insert summary of public consultation in Part 7 to detail the consultation process and the changes made to the document as a result of this.

13 A number of minor clarifications have also been made throughout the document to ensure consistency and accuracy.

Actions to be taken over by the LBTH delivery team

14 The need to ensure delivery and funding of infrastructure has been noted as a key theme in comments received. GLA officers initiated discussions on taking forward the delivery aspects of the OAPF through a dedicated delivery team. In response Tower Hamlets Council has established the Isle of Dogs & South Poplar Area Board to guide delivery. The following actions are recommended for ownership by the newly established IoD & SP Regeneration Board:

- Detailed delivery and funding plan for the OA
- Ongoing community engagement
- Monitoring of growth and planning delivery
- Management of further impact or assessment studies as identified in OAPF
- Management of further detailed masterplanning/area growth projects

Legal considerations

15 The Mayor's statutory plan-making powers are set out in Part VIII of the Greater London Authority Act 1999 (the Act). Section 334 of the Act requires the Mayor to prepare and publish the London Plan. Sections 339 and 340 of the Act require the Mayor to keep the London Plan under review.

16 There is no statutory requirement for the Mayor to prepare supplementary planning guidance, though he may do so under general provisions contained in the Act. Section 30 of the Act gives the Mayor the power to do anything he considers will promote the improvement of the environment in Greater London. This is supplemented by a subsidiary power pursuant to Section 34 of the Act which gives the Mayor the authority to do anything which is calculated to facilitate or is conducive or incidental to the exercise of any of the statutory functions of the Authority.

17 This OAPF as Supplementary Planning Guidance to the London Plan supports the implementation of the London Plan (including the draft London Plan) and may reasonably be regarded as facilitating, being conducive or incidental to the exercise of the Mayor's powers detailed above.

18 An Integrated Impact Assessment ("IIA") and a Habitats Regulation Assessment ("HRA") screening of the OAPF were undertaken which examined the likely impacts of the proposed policies and conformed to the legal requirements regarding Sustainability Appraisal, the Environmental Assessment of Plans and Programmes Regulations 2004, the Habitats Regulations and the requirements under the Equalities Act 2010.

19 In relation to HRA, as the IIAs of the existing and emerging draft London Plan and LBTH Local Plan concluded no likely significant effects on European Sites, as the OAPF supports these higher level plans, the HRA Screening confirmed that the OAPF itself would not result in any likely significant effects.

20 With regards to the People Over Wind and Sweetman judgements, as neither the HRA section of the original IIA Scoping Document (October 2017) nor the subsequent HRA Screening Report (May 2018) identified a need for any changes to the OAPF, we consider the HRA has not relied upon the use of any mitigation to avoid likely significant effects.

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21 An Equalities Impact Assessment (“EIA”) was included within the IIA and is attached as appendix B. The effects of this are summarised in paragraph 22 below.

22 Equalities:

- The greatest impact on equalities is likely to come from the social and community infrastructure strategy within the OAPF, which identifies the social infrastructure required to support a growing population. By providing sufficient infrastructure, such as sports and community facilities, it can help promote social inclusion by providing areas for people to meet and interact. The location of these facilities has the potential to have an uneven impact on different groups depending on proximity to services. However, most of the proposed sites have been identified for allocation within the Draft Local Plan (2017). The OAPF builds on this by identifying further potential sites based on land availability and site constraints
- The housing strategy is also likely to impact on equalities. This seeks to respond to the housing needs of the OA by supporting local plan housing policy requirements in regards to the provision of affordable housing and mix of housing to be provided to meet identified needs. The strategy recommends all proposals for high density development, regardless of tenure, should be accompanied by draft housing management plans to address a range of matter including building maintenance;
- There is the potential for differential impacts to occur on vulnerable groups (as defined in Section 1.3 of the IIA in Appendix B), in particular:
 - Whilst the accessibility improvements promoted through the transport and movement strategy and linked local connections plan within the OAPF would improve connectivity for all residents within the OA, the planned improvements to public realm and the integration of stations with their surroundings would be of particular benefit to disabled people in terms of improving step free access; and,
 - The focus within the social and community infrastructure strategy of the OAPF on providing sufficient school places to meet rising demand would be of particular benefit to young people. This could minimise the need for young people resident within the OA to travel outwith the locality to attend school, which could have wider equalities benefits in terms of minimising travel costs.

22 In relation to SEA, the IIA Report (May 2018) concluded that a full SEA was not required as SEA Screening demonstrated no likely significant environmental effects. This was documented in a formal SEA Screening Determination.

23 All assessments detailed within this report were made publicly available during consultation and are considered by GLA officers to contain an adequate analysis of the material to which the Mayor must pay “due regard” to in making the decision to approve the intended to publish version of the OAPF. Officers do not consider the changes made during the consultation process required further formal assessment. Accordingly, the Mayor is asked to give particular attention to these assessments.

Equalities duties

24 The Mayor and GLA are subject to the public sector equality duty (“the Duty”), as set out in Section 149 of the Equality Act 2010 covering race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. These are the grounds upon which discrimination is unlawful and are referred to as ‘protected characteristics.’ The Duty requires the Mayor when exercising his functions to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act, advance

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25 equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

26 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The steps involved in meeting the needs of disabled persons include, in particular steps to take account of disabled persons' disabilities. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with these duties may involve treating some persons more favourably than others.

27 The courts have emphasised that "due regard" requires an active and engaged analysis of the relevant material with the specific statutory considerations in mind, but the Duty does not require that the considerations raised in the analysis are decisive in the particular case and finally, that the weight to be given to the requirement that "due regard" is to be had is for the decision maker to decide.

28 These duties apply to the Mayor's preparation of this document as well as his decision whether to publish this OAPF. The proposed OAPF supports the equalities objectives of the London Plan and existing London Plan policy by providing guidance to help boroughs, developers and local communities. The policies of the London Plan have been subject to a full Equality Impact Assessment and this document has been subject to an Integrated Impact Assessment which examines the Health Impact, Equalities Impact and Community Safety Impact. Officers consider that this OAPF does not raise any new equalities, health or community safety considerations.

Financial considerations

29 There are no financial considerations at this stage.

Recommendation

30 The Isle of Dogs & South Poplar OAPF has been prepared in partnership with TfL and Tower Hamlets Council and supplements the policies in the London Plan, draft New London Plan and other mayoral strategies. It promotes the Mayor's vision for London to be a successful global city where all Londoners have an opportunity to be part of our city's prosperity and all growth is delivered in a sustainable way, in line with the 'Good Growth' agenda. It is therefore recommended that the Mayor:

- a) notes the contents of this report and the Isle of Dogs & South Poplar OAPF (Appendix A) and supporting documents, impact assessments and consultation report (Appendices B, C, D and E);

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- b) approves publication and adoption of the Isle of Dogs & South Poplar OAPF as attached at Appendix A (final formatting and proofing to be approved by the Deputy Mayor for Planning, Skills & Regeneration & Deputy Mayor for Housing and Residential Development before it is formally published on the GLA website.).

Signed:



Sadiq Khan

Mayor of London

Appendices and supporting papers:

- Appendix A – Isle of Dogs & South Poplar OAPF – Adoption Document
- Appendix B - Integrated Impact Assessment
- Appendix C - Habitats Regulations Assessment
- Appendix D – Development Infrastructure Funding Study
- Appendix E – Isle of Dogs & South Poplar OAPF Consultation Report

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