



27 September 2019

INFORMATION REQUEST REFERENCE 19-048

Dear 

Thank you for your information request, received on 2 September 2019. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Can you clarify two specific points about Fish Island?

Background: Peabody’s latest [S106 agreement](#) (Modification) for Neptune Wharf of November 2016 (listed under 2015), added to the original 11 ‘affordable’ rented units in this scheme by agreeing an extra 36 shared ownership, and a ‘further 23 units’ that can be either rented or intermediate. (The new total of 70 brings the affordable proportion up to 13%).

*Question 1. The nearby scheme, Monier Road, got planning permission in 2013, with 10 affordable rent and 5 shared ownership. **Is that still the same?***

(Neptune Wharf has a complicated history, including the contemporary SPG, site ownership change, review mechanisms. To save time we don’t need more information on these issues. For information: both schemes went to the planning [Committee](#) on 26.11.13. All 724 planning documents for Neptune Wharf are listed in alphabetical order, available from the [search page](#) using the Planning Reference 12/00210/OUT). But the planning report to committee is the main document, and subsequent S106 agreements. The last one for Neptune wharf is available on the link above. A S106 deed of variation in 2015 for Monier Road doesn’t affect affordable housing).

Question 2. The LDDC’s S106 (Modification) agreement with Peabody for Neptune Warf (listed under the year 2015) seems to have two contradictory maximum thresholds for affordable housing. Peabody agreed to use ‘reasonable endeavours’ to apply for grant, and viability reviews may result in extra homes on site or a cash payment. Under this clause affordable housing is capped at 50% as the maximum amount required. But this benchmark is apparently contradicted by clause 3 which re-states that only 25% will be ‘required’ by habitable rooms.

Which is the maximum amount required - 25% or 50%? (Assuming viability reviews or grant make an increase deliverable).

3. If any new information is available on the number and tenures of affordable housing to be delivered on these two lined schemes, details or targets would be appreciated. Our

assumption is it hasn't been decided. The end result will depend on future viability reviews.

This is for inclusion in a briefing on affordable housing in London - being compiled by volunteer researchers – not any particular organisation, for academics and community groups, not press articles initially. Any information that can be provided would be appreciated, ideally by September 13th to guarantee inclusion.”

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below and our response follows your order:

“Question 1. The nearby scheme, Monier Road, got planning permission in 2013, with 10 affordable rent and 5 shared ownership. Is that still the same?”

The Legacy Corporation can confirm that the Monier Road scheme has remained the same. 10 affordable rent units and 5 shared ownership units have been delivered and are now occupied.

“Question 2. The LDDC’s S106 (Modification) agreement with Peabody for Neptune Warf (listed under the year 2015) seems to have two contradictory maximum thresholds for affordable housing. Peabody agreed to use ‘reasonable endeavours’ to apply for grant, and viability reviews may result in extra homes on site or a cash payment. Under this clause affordable housing is capped at 50% as the maximum amount required. But this benchmark is apparently contradicted by clause 3 which re-states that only 25% will be ‘required’ by habitable rooms.

Which is the maximum amount required - 25% or 50%? (Assuming viability reviews or grant make an increase deliverable)”

The Section 106 agreement requires that any surplus identified in the first two reappraisals will be provided as additional on-site affordable housing units up to a cap of 25% affordable housing by habitable rooms (Clause 3.1.2). Any surplus above that will be required to be paid to the LPA towards off-site affordable housing under the final reappraisal, up to a cap of the sum equivalent to providing 50% affordable housing by habitable room within the development (Clause 2.9).

For information, Peabody have voluntarily increased the amount of affordable housing they will provide on-site to 131 affordable housing units (31% by habitable room) comprising 62 x affordable rent units and 69 x shared ownership units. Therefore, Peabody have exceeded the 25% on-site affordable housing cap, so any surplus identified in the reappraisals would comprise a payment to the LPA for off-site affordable housing provision.

“3. If any new information is available on the number and tenures of affordable housing to be delivered on these two lined schemes, details or targets would be appreciated. Our assumption is it hasn't been decided. The end result will depend on future viability reviews.”

The final amount of affordable housing to be delivered on-site at Neptune Wharf would be the 31% detailed above. This is because the cap for on-site delivery has been met, so any surplus identified in the reappraisals would be provided as a financial contribution for delivery of affordable housing on other available sites within Fish Island or elsewhere within the Legacy Corporation area, unless Peabody voluntarily provide additional affordable housing on-site.

If you are unhappy with our response to your request and wish to make a complaint or request an internal review of our decision, you should write to:

Deputy Chief Executive
London Legacy Development Corporation
Level 10, 1 Stratford Place
Montfichet Road
London, E20 1EJ

Email: FOI@londonlegacy.co.uk

Please note: complaints and requests for internal review received more than two months after the initial response will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely

FOI / EIR Co-ordinator
London Legacy Development Corporation