



The Planning
Inspectorate

Report to the London Borough of Barking and Dagenham

by **C J Anstey BA(Hons) DipTP DipLA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

3 December 2010

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO LONDON BOROUGH OF BARKING AND
DAGENHAM BOROUGH WIDE DEVELOPMENT POLICIES
DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 11 June 2009

Examination hearings held on 21 and 22 September 2010

File Ref: LDF000958

ABBREVIATIONS USED IN THIS REPORT

APC	Advertised Proposed Change
BTCAAPDPD	Barking Town Centre Area Action Plan DPD
BWDPDPD	Borough Wide Development Policies Development Plan Document
CS	Core Strategy
DPD	Development Plan Document
Ess [ref.]	Essential changes
FPC	Further Proposed Change
HPC	Hearing Proposed Change
HMOs	Houses in Multiple Occupation
LDS	Local Development Scheme
LP	The London Plan
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SPD	Supplementary Planning Document
SSADPD	Site Specific Allocations DPD

Non-Technical Summary

This report concludes that the Barking and Dagenham Borough Wide Development Policies Development Plan Document provides an appropriate basis for managing development in the Borough over the next 15 years. The Council has sufficient evidence to support the policies in the Plan.

A number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- **Legal compliance.** Incorporate list of superseded saved policies.
- **Conformity with the Barking and Dagenham Core Strategy.** Refer to plan period of 15 years; delete references to Core Strategy affordable housing policy; include reference to the Marks Gate to Dagenham Dock Station bus route; and clarify allotments policy.
- **Conformity with The London Plan.** Make reference to maximum car parking and minimum cycle parking standards and clarify guidance on travel plans.
- **Consistency with national planning policy.** Take account of recent national policy changes relating to the historic environment, retail development, houses in multiple occupation, and proposed changes as regards gypsies and travellers; clarify the noise mitigation policy; refer to the requirement to use sustainable urban drainage systems; and emphasise the importance of wildlife corridors.
- **Policy coverage.** Include additional factors to be taken into account in assessing the effect on residential amenity; and simplify and amend climate change policies.
- **Marks Warren Farm.** Amend policy to ensure that it deals with minerals recycling and processing.
- **Monitoring.** Clarify how the policies are to be monitored.

All but two of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination.

Introduction and Summary of Overall Conclusions

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a DPD is to determine:
 - (a) whether it satisfies the legal requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document.
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document (BWDPDPD) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the BWDPDPD meets the legal requirements of the Act and Regulations, subject to the changes recommended below.
- 1.4 My role is also to consider the soundness of the submitted BWDPDPD against the advice set out in paragraphs 5.1-5.3 of Planning Policy Statement 12: Local Spatial Planning (PPS12), namely that it is justified, effective and consistent with national policy. In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. It is evident from my report that I find the BWDPDPD to be sound subject to the inclusion of various proposed changes.
- 1.5 The BWDPDPD was submitted to the Secretary of State for examination on Thursday, 11 June 2009. As priority was given to the completion of the examinations of the Core Strategy, the Site Specific Allocations DPD and the Barking Town Centre Area Action Plan DPD, the BWDPDDPD did not progress to the hearing stage until September 2010.
- 1.6 The submission version of the BWDPDPD was identical to the pre-submission version that was made available for public consultation towards the end of 2008. In order to address issues raised by representors at the pre-submission stage, including those made by the Government Office for London, the Greater London Authority, Environment Agency, various landowners and other interested parties, the Council produced a Schedule of Advertised Proposed Changes (APC) to the submitted BWDPDPD in June 2010. This, together with the Sustainability Appraisal of the Advertised Proposed Changes to the submitted BWDPDPD, were advertised and made available for comment between 10 June and 22 July 2010. The representations received on these Proposed Changes, together with the representations made at the pre-submission stage, were taken into account during the examination.
- 1.7 At the Pre-Hearing Meeting held on 15 July 2010 I circulated an Issues and Questions paper on the BWDPDPD to guide discussion at the hearings. In response the Council prepared a number of Topic Papers which contained a number of Further Proposed Changes (FPC) to the submission BWDPDPD. These changes are contained in a separate schedule. Arising from the discussions at the hearings Hearing Proposed Changes (HPC) were also produced by the Council and these are again contained in a separate schedule. The FPCs and HPCs have not been advertised as they involve

variations to previous advertised changes to the submitted BWDPDPD, and/or concern matters that do not prejudice interested parties, and/or bring the plan into line with the Council's other DPDs and national and regional planning policy.

1.8 All the proposed changes to the submitted BWDPDPD are found in three schedules attached to my report. The proposed changes in Schedules 1 and 2 are put forward by the Council. The two Inspector-led changes, which relate to sustainability and climate change, are contained in Schedule 3

- **Schedule 1 (Council's Essential Changes - Proposed by the Council and Recommended by the Inspector)**. This consists of changes proposed by the Council that I consider are essential in order to amend the document in the light of the legal requirements and/or to make the document sound in accordance with PPS12. They are referenced **Ess. [reference no]** both in the schedule and my report. Attached to this Schedule is Appendix 1 – List of saved and superseded UDP policies.
- **Schedule 2 (Council's Endorsed Changes – Proposed by the Council and Endorsed by the Inspector)**. These minor changes have been drawn up by the Council and are designed to improve clarity, reflect recent developments, add flexibility, or correct errors. As the endorsed changes are not required to address soundness issues I have not dealt with them in detail in my report. Notwithstanding this I believe their inclusion is required to ensure that the BWDPDPD is clear, up-to-date, coherent and easily understood. Attached to this Schedule is Appendix 1 – Amended site boundary for Policy BR6. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
- **Schedule 3 (Essential Changes – Proposed and Recommended by the Inspector)**. This only relates to two changes (i.e. **Ess.A** and **Ess.B**) which are designed to bring Policies BR1 (Environmental Building Standards) and BR2 (Energy and On-Site Renewables) into line with government guidance as expressed in the supplement to PPS1 (Planning and Climate Change).

1.9 **My overall conclusion is that the Barking and Dagenham Borough Wide Development Policies DPD meets the legal requirements and is sound, provided it is changed in the ways specified. The essential changes required are set out in detail in Schedules 1 and 3.**

1.10 The report firstly considers the legal requirements, and then deals with the relevant matters and issues related to soundness considered during the examination.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The BWDPDPD is referred to in the latest version (March 2008) of the Council's LDS. The preparation of the BWDPDPD met the timescales set out in the LDS up to the Preferred Options consultation. The Submission to the Secretary of State in June 2009 was 12 months later than planned and this has meant the rest of the timetable has slipped. In all other respects the BWDPDPD accords with the LDS and consequently this legal requirement has been met.
Statement of Community Involvement (SCI) and relevant regulations	The Council's SCI was adopted in August 2007. It is evident from the documents submitted that the Council has sought to meet the requirements for engagement of the community.
Sustainability Appraisal (SA)	Adequate SA has been carried out at various stages and is appropriately detailed.
Conformity with the London Plan (LP)	The Greater London Authority confirmed by letter of 16 July 2010 that the BWDPDPD, taking account of the advertised proposed changes, is in general conformity with The London Plan.
Conformity with the Core Strategy (CS)	The issue of whether the BWDPDPD is in conformity with the CS is dealt with in Section 2 of this report. Suffice to say here that the BWDPDPD conforms to the CS subject to the inclusion of a number of essential changes proposed by the Council.
Community Strategy	Satisfactory regard has been paid to the Community Strategy for Barking & Dagenham.
Publicity	The BWDPDPD complies with the 2004 Regulations as regards satisfactory publicity.
Superseded saved policies	Although a list of superseded saved policies was submitted alongside the BWDPDPD it was not included in the DPD. This is contrary to Regulation 13(5) of the 2004 (Local Development) Regulations. However the Council's proposed change, Ess. 1 , rectifies this and specifies that a list of saved UDP policies superseded by BWDPDPD policies be included in the DPD as Appendix 1. This change ensures compliance with the regulations.

2 Assessment of Soundness

- 2.1 In assessing soundness I have paid careful regard to the contents of PPS 12, specifically paragraphs 5.1-5.3, and The Planning Inspectorate's non-statutory guidance 'Local Development Frameworks: Examining Development Plan Documents: Soundness Guidance.' The matters and issues identified below stem from the guidance contained in these documents.

Matter 1: Participation

Has the BWDPDPD been prepared with full stakeholder involvement and provided clear opportunities for public participation?

- 2.2 The submitted Statement of Consultation confirms that the BWDPDPD has been prepared in accordance with the adopted Statement of Community Involvement. Many organisations and people were directly invited to make representations on the plan, including residents, community groups, neighbouring Councils, government departments and agencies, service providers, national companies, developers and other interested parties. A variety of methods were used to involve people in identifying issues and options and formulating the policies. These included sending letters, issuing press notices, holding public exhibitions, making presentations to community groups, distributing leaflets and posters, and utilising the Council's website.
- 2.3 It is evident from this that the Council has made considerable efforts to ensure that the local community and those with a stake in the area have been closely involved in the preparation and finalisation of the plan. The approach has been thorough and comprehensive and is to be commended. In particular it has allowed for the effective engagement of all interested parties and consequently I find the DPD to be sound in this respect.

Matter 2: Evidence Base & Sustainability Appraisal

Are the policies and proposals in the BWDPDPD supported by a robust, credible and up-to-date evidence base?

- 2.4 It is clear to me that the policies contained in the BWDPDPD are supported by a robust, credible and up-to-date evidence base. In drawing up the DPD the Council has had regard, amongst other things, to a comprehensive set of well-researched documents. These are listed on the Council's BWDPDPD's web-pages. Having studied these documents I am confident that they constitute the strong evidence base that is required by PPS12.

Has sustainability appraisal informed the content of the DPD?

- 2.5 Similarly it is apparent that sustainability appraisal has informed the content of the BWDPDPD. Sustainability appraisal was carried at the policy options and preferred options stage, before pre-submission, and at the time of the Advertised Proposed Changes. At these stages impacts were appraised against the Sustainability Appraisal Framework in order to assist policy formulation. The Final Sustainability Report documents much of this work. In

view of this I find that sustainability appraisal has been central to the formulation and content of the BWDPDPD.

Matter 3: Barking and Dagenham Core Strategy

Is the DPD in conformity with the Core Strategy and designed to assist in its implementation?

- 2.6 In drawing up the CS the Council considered various alternative strategies for locating development across the Borough. The solution selected by the Council, which I endorsed in my report on the CS, was that the development needs of the Borough should be met on previously developed land within the existing urban area of the Borough and on the Key Regeneration Areas, including Barking Town Centre. Consequently the overall strategy for the Borough is clearly set out in the CS.
- 2.7 As the policies in the CS are essentially broad brush in nature there is a need for a comprehensive set of more focussed DPD development management policies. These are contained in the BWDPDPD and are designed to provide the detail that is required to deliver the CS spatial strategy. In particular the BWDPDPD policies, which are grouped under the same main themes as the CS, will ensure that new development in the Borough is appropriately located, sensitively designed, high quality and sustainable. Furthermore these policies, together with those contained in the Council's other DPDs, will help to secure the Council's vision for the area by providing a framework for investment and regeneration and by promoting economic, environmental and social well-being.
- 2.8 Consequently I find that the general direction of the BWDPDPD to be in line with the CS and is vital to its successful fulfilment. Notwithstanding this there are a number of detailed issues that need to be addressed to ensure conformity with the CS.

Plan period

- 2.9 In accordance with PPS12 guidance the time horizon of the adopted Core Strategy is 15 years (i.e. 2025). At present however there is no specific recognition in the submitted BWDPDPD that the plan will cover the same time period as the CS. The Council has recognised this and its proposed change, **Ess.2** will satisfactorily resolve this point.

Affordable housing

- 2.10 I found that the overall target for affordable housing in the CS, and the associated social rented/intermediate split, was not justified by the evidence submitted. I recommended that the affordable housing policy related to percentage targets and tenure split be removed from the CS and this has duly been done in the adopted CS.
- 2.11 In the light of this there is a need to delete the references to affordable housing targets and tenure splits in the BWDPDPD, including that within Policy BC1 (Delivering Affordable Housing). The Council's proposed changes, **Ess.22 & Ess.23**, would bring the BWDPDPD into line with the CS in this regard.

Sustainable Transport

- 2.12 Policy CM4 of the adopted CS refers to the need to improve north-south transport links and specifically refers to the provision of a high quality bus route connecting Marks Gate to Dagenham Dock Station. No mention is made of this proposal in the BWDPDPD. The Council accept this inconsistency and its proposed change, **Ess.16**, would ensure compatibility between the two DPDs. Proposed change, **Ess.17**, is required to ensure that developer contributions relate to sustainable transport improvements.

Allotments

- 2.13 CS Policy CM3 (Green Belt and Public Open Spaces) and CS paragraphs 3.6 and 4.3.9 indicate that those allotments to be protected as local open spaces will be identified in the Site Specific Allocations DPD (SSADPD). This was duly done in the SSADPD and the protected allotments are to be included on the Proposals Map. The text of Policy BR8 (Allotments) of the BWDPDPD needs to be changed to make it clear that this review has been completed as part of the production of the SSADPD and that the allotments identified will be protected as local open space by CS Policy CM3. The Council's proposed changes, **Ess.13 & Ess.14**, resolve this point.

Conclusion

- 2.14 I conclude, therefore, that subject to the inclusion of the Council's changes specified above in bold the Borough Wide Development Policies DPD is in conformity with the Barking and Dagenham Core Strategy and therefore meets the legal tests in this regard.

Matter 4: The London Plan

Does the BWDPDPD take forward the policies of The London Plan, reflect local issues and objectives, and conform with The London Plan?

- 2.15 The London Plan (LP) sets out the strategic priorities for North East London. It identifies the London Riverside Opportunity Area as having the potential for 20,000 new homes and 14,000 new jobs, provided there is substantial investment in new and improved transport infrastructure and flood risk is satisfactorily addressed.
- 2.16 The adopted CS takes forward this strategic policy direction and, amidst a number of locally distinctive proposals, specifies that most of the proposed new residential development will take place in the Key Regeneration Areas (Barking Town Centre, Barking Riverside and South Dagenham) with employment growth focussed on Dagenham Dock and identified industrial sites. Together with this there is a strong emphasis on the re-use of brownfield land, the protection of open space and the Metropolitan Green Belt, major transport improvements, dealing with flood risk and protecting the vitality and viability of existing centres.
- 2.17 The policies in the BWDPDPD are more detailed in nature and geared to securing the delivery of the strategy set out in the LP and CS. In addition the policies in the BWDPDPD address specific issues that are considered to be of significance to the Borough. I am confident that the BWDPDPD expands

upon the strategic planning guidance contained within the LP and reflects local issues and objectives. As a result I do not find there to be any unnecessary policy duplication between the LP and the BWDPDPD. It is also apparent that the Council has sought during the production of the DPD to minimise the complexity and length of policies and ensure that they are positively worded in accordance with good planning practice.

- 2.18 However two specific changes are required to the submitted BWDPDPD to ensure that it is in conformity with the LP and therefore sound.

Parking standards

- 2.19 As submitted BWDPDPD Policy BR9 (Parking) states that the car and cycle parking standards in Annex 4 of the LP will be used as the starting point for assessing how much parking provision should be included in new developments. I believe that this wording lacks clarity and does not reflect the strong approach inherent in Annex 4 which specifies maximum parking standards for car parking and minimum standards for cycle parking. Consequently as presently worded Policy BR9 does not conform with the LP. The Council has recognised this divergence and the inclusion of its proposed change, **Ess.15**, will address this point.

Travel plans

- 2.20 Policy BR10 (Sustainable Transport) and the supporting text of the submitted BWDPDPD are unclear as to the specific thresholds for the submission of Travel Plans. Policy 3C.2 of the LP specifies that all developments that exceed thresholds defined in Transport for London's guidance on Workplace Travel Planning and Residential Travel Planning should have a Travel Plan. The Council has accepted that more certainty is required and its proposed changes, **Ess.18, Ess.19 & Ess.20**, will clarify the approach to travel plans.

Conclusion

- 2.21 I conclude, therefore, that the BWDPDPD takes forward the policies of the LP and reflects local issues and objectives. Furthermore, subject to the inclusion of the Council's changes specified above in bold, the BWDPDPD is in conformity with the LP.

Matter 5: National Planning Policy

Is the BWDPDPD in accordance with national planning policy?

- 2.22 For the most part the submitted BWDPDPD is in accordance with national planning policy. However there are a number of inconsistencies that require attention. These are detailed below.

PPS5: Planning for the Historic Environment

- 2.23 PPS5 Planning for the Historic Environment, together with the associated Historic Environment Planning Practice Guide, was published in March 2010. PPS5 sets out the government's planning policies on the conservation of the

historic environment and replaces PPG15: Planning and the Historic Environment and PPG16: Archaeology and Planning.

- 2.24 Amongst other things the new PPS promotes an integrated approach to the historic environment so that account is taken of all heritage assets, be they buildings, monuments, sites or landscapes. The PPS also makes it clear that it is what is significant about an asset, in terms of its historic, architectural, archaeological or artistic interest, that needs to be defined and protected.
- 2.25 The Council has worked with English Heritage to bring the BWDPDPD into line with the direction and content of PPS5 and its Practice Guide. This has resulted in various changes to Policies BP2 (Conservation Areas and Listed Buildings), BP3 (Archaeology) and BP4 (Tall Buildings) which are set out in proposed changes, **Ess.32, Ess.33, Ess.34, Ess.35, Ess.36 & Ess.37**. I consider that these changes are sensible and clear and bring these policies into line with national planning policy.
- 2.26 Given that all development, including tall buildings, will be expected not to cause harm to the significance of heritage assets and their settings I do not believe it is necessary to include a blanket ban on tall buildings outside Barking Town Centre.

PPS4: Planning for Sustainable Economic Growth

- 2.27 PPS4: Planning for Sustainable Economic Growth, together with Planning for Town Centres: Practice guidance on need, impact and the sequential approach, was published at the end of 2009. As a result PPS6 Planning for Town Centres has been replaced.
- 2.28 Although the sequential test is retained in PPS4 the need test has been removed. As a result BWDPDPD Policy BE3 (Retail outside or on the edge of Town Centres) requires revision to reflect this national policy change. The Council's proposed changes **Ess.28, Ess.29, Ess.30 and Ess.31**, delete reference to the need test and will ensure that Policy BE3 accords with national planning policy.

Houses in Multiple Occupation (HMOs)

- 2.29 Submitted BWDPDPD Policy BC4 (Residential Conversions and Houses in Multiple Occupation) seeks to control the change of use of family homes, particularly those with 4 or more bedrooms, to houses in multiple occupation (HMOs). The Council's Advertised Proposed Change 20 reduces this to 3 bedrooms or more.
- 2.30 Given the recognised need for family housing within the Borough the Council's approach is understandable. However as from the beginning of October 2010 changes of use from family homes to small houses in multiple occupation will become permitted development and will be able to happen without the need for planning permission. Consequently there is a need to add to Policy BC4 to make it clear that the policy refers to proposals that require planning permission. The Council's proposed change, **Ess.25**, includes such a reference. and would address the conflict with national planning policy.

- 2.31 Notwithstanding this the Council has the opportunity to use Article 4 directions to require planning applications for the change of use from family homes to HMOs in all or parts of the Borough. This is reflected in proposed change, **Ess.26**.

Gypsies and Travellers

- 2.32 The Government has announced its intention to revoke Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites although the statement gives no timescale as to when the intended revocation will take place. The Government's intention is that the Circular will be replaced with light-touch guidance outlining Councils' statutory obligations, with the level of pitch provision to be determined locally. No doubt this new approach, and the latest figures from the LP on pitch provision, will be taken into account when determining whether additional provision is required in the Borough and when the Council produces its single issue Gypsy and Traveller DPD (if additional need is required).
- 2.33 The supporting text to Policy BC3 (Gypsies and Travellers Accommodation) needs to be altered to reflect these forthcoming changes in government policy. The Council's proposed change, **Ess.24**, achieves this. I see no justification for revising Policy BC3 itself which contains a reasonable list of criteria with which to assess new gypsy and traveller sites.

Noise sensitive development

- 2.34 I consider that the final paragraph of the submitted Policy BR13 (Noise Mitigation) is unclear and does not accord with PPG24: Planning and Noise. In particular the noise exposure categories set out in PPG24 cover all possible ranges of noise and do not set definitive rules even for the highest noise exposure category. Consequently there is a need for Policy BR13 to adhere to the guidance in PPG24. The Council's proposed change, **Ess.21**, will ensure that this issue of conformity is addressed.

Sustainable Urban Drainage Systems

- 2.35 Both Planning Policy Statement 25: Development and Flood Risk (PPS25) and the London Plan indicate that DPDs should include policies that specify the use of Sustainable Urban Drainage Systems [SUDS] in dealing with surface water drainage. Policy BR4 (Water Resource Management) as submitted does not refer to the use of SUDS. Consequently this omission means that the plan is not in line with national and regional policy relating to surface water drainage. The Council's proposed change, **Ess.11**, addresses this point.

Wildlife Corridors

- 2.36 PPS9: Biodiversity and Geological Conservation, and Circular 06/2005 refer to the value of a network of natural habitats, comprising not only statutory and non-statutory sites but features which, because of their linear and continuous structure, or their functions as stepping stones, are essential for migration, dispersal and genetic interchange. At present Policy BR3 (Greening the Urban Environment) of the BWDPDPD does not refer to the promotion and encouragement of wildlife corridors when new development is

being considered. However the Council's proposed change, **Ess.10**, rectifies this omission.

Conclusion

2.37 I conclude, therefore, that subject to the inclusion of the Council's changes specified above in bold, the BWDPDPD accords with national planning policy.

Matter 6: Policy coverage

Are the policies coherent and internally consistent? Are there any obvious gaps in the policy coverage?

2.38 In my view the policies in the BWDPDPD are easily understood and clear in their intention. Although there are about 40 separate policies in the DPD I believe that such a number and spread of policies is required if the Council is to fulfil its ambitions for the Borough over the next 15 years. I discerned little overlap between the various policies and together they constitute a strong basis for the proper planning of the area and the implementation of the Core Strategy and the Council's other DPDs.

2.39 The only gaps in the policy coverage that are apparent relate to Policy BP8 (Protecting Residential Amenity). This policy deals with those factors that need to be taken into account when assessing the effect of new development. At present the policy makes reference to the effect on local character, the impact on the privacy of, and daylight to, neighbouring properties, and the need to minimise pollution and disturbance.

2.40 I consider that in addition to these factors there is a need to assess whether the immediate outlook from, and sunlight to, neighbouring properties is affected. I note that the Council's Draft Supplementary Planning Document: Residential Extensions and Alterations recognises the significance of these factors.

2.41 I also have concerns about the use of the word 'minimise' in Policy BP8 as regards pollution and general disturbance as this could lead to accepting development that creates unacceptable living conditions for neighbours. Furthermore I believe it is important to ensure that Policy BP8 makes it clear that the future occupiers of new residential developments should enjoy reasonable living conditions. The Council has recognised the importance of these matters and its proposed changes, **Ess.39, Ess.40 & Ess.41**, will resolve this concern and ensure that the plan is effective in this regard.

Conclusion

2.42 I conclude, therefore, that subject to the inclusion of the Council's changes specified above in bold, there are no obvious gaps in the coverage of the BWDPDPD.

Matter 7: Sustainable Development and Climate Change

Are the policies for tackling climate change appropriate, well-founded and sufficiently flexible to take account of viability considerations?

- 2.43 CS Policy CR1 (Climate Change and Environmental Management) makes it clear that the Council will require all new development to meet high environmental building standards and will encourage low and zero carbon developments. Policies BR1 (Environmental Building Standards) and BR2 (Energy and On-Site Renewables) of the submitted BWDPDPD endeavour to provide more detail and guidance on the Council's approach to these matters. Specifically they refer to environmental/energy assessments, standards and targets.
- 2.44 I do not find the requirement for the submission of environmental and energy assessments in Policies BR1 and BR2 to be unreasonable given the need to secure high standards of sustainable design and construction and minimise carbon emissions. The policies and supporting text of the submitted plan are not overly prescriptive as to the type of assessments required, their nature and when they should be submitted. This provides scope for the Council and developers to agree the sort of assessment that is most appropriate depending on the particular characteristics of the proposed development.
- 2.45 As regards standards and targets paragraph 33 of the supplement to PPS1 (Planning and Climate Change) makes it clear that any policy relating to local requirements for sustainable buildings and for decentralised energy supply should be evidence-based and viable. As far as I am aware the Council has not carried out any viability testing of the proposed standards and targets to determine whether they are realistic. Consequently it is uncertain whether the Code for Sustainable Homes standards set out in Policy BR1 and the targets in Policy BR2 can be achieved across all developments.
- 2.46 The Council's proposed changes to Policy BR1, **Ess.4** (deletion of the reference to minor housing development) and **Ess.5** (recognition that there may be exceptional circumstances, including economic viability, which may mean that achieving the targets in Policy BR1 is not appropriate) adds some flexibility to the policy. However I consider, given the absence of viability testing, that the changes need to recognise that these minimum targets are to be encouraged rather than required. Without the incorporation of such a change this part of the plan is unsound. The inclusion of **Ess.A** which makes it clear that the specified standards are to be encouraged rather than required satisfactorily addresses this element of soundness.
- 2.47 With these provisos I find it reasonable to retain the Code for Sustainable Homes standards in Policy BR1 relating to major and strategic development and the BREEAM standards for non-housing development. I am particularly mindful of the need to work towards the implementation of these standards if the government's commitment to achieving zero carbon homes and buildings over the next 10 years is to be realised. The Council's proposed change, **Ess.8**, provides further justification for this approach. The Council proposed changes, **Ess.4 & Ess.6**, will also ensure that if during the plan

period the Government sets higher standards these will supersede those currently in the plan.

- 2.48 I find Policy BR2 as submitted to be over-complicated. The Council's proposed change, **Ess.7**, endeavours to shorten and simplify the policy. The deletion of the overall carbon reduction targets is sensible as they are already implied by the standards in Policy BR1. The target of 20% saving in carbon emissions through the use of on-site renewables is in line with Policy 4A.7 (Renewable Energy) of the LP. Some flexibility is also introduced by the recognition that the 20% target is dependent on feasibility and economic viability. However, in the absence of viability testing, the wording of **Ess.7** needs to be altered to ensure that the targets are seen as an aspiration rather than as a requirement. The inclusion of **Ess.B** which makes it clear that the specified standards are to be encouraged rather than required satisfactorily addresses this element of soundness. The lowering of the target to 10% within the key regeneration areas is also appropriate given that heating and hot water would be provided by a community heating network.
- 2.49 Policy BR2, and the supporting text, provides support for the provision of underground pipes and other related infrastructure to implement the proposed district heating network as part of the London Thames Gateway Heat Network. It is evident that the submitted text needs updating to reflect recent developments. Furthermore the policy and text as it relates to connection to the district network needs to be more flexible. Rather than insisting on connections to the network it should be made clear that the Council will work with developers to ensure that heating systems within developments are technically compatible with the wider community heating plans and that feasibility will be taken into account. The Council's proposed changes, **Ess.7 and Ess.9**, are designed to address these matters. I do not consider that the wording of Policy BR2, as amended, rules out developers exploring and advancing other solutions that are designed to reduce the carbon emissions of new development.

Conclusion

- 2.50 I conclude, therefore, that subject to the inclusion of the essential changes specified above in bold, the policies for tackling climate change are appropriate and well-founded.

Matter 8: Marks Warren Farm

Is the policy relating to Marks Warren Farm (Policy BR6: Minerals) appropriate and justified?

- 2.51 As presently worded Policy BR6 (Minerals) deals with the extension of the existing mineral workings at Marks Warren Farm and specifies the criteria that would have to be satisfied. However it is now evident that the site operator does not anticipate any extension to the mineral workings. Rather the company is seeking to use the site for recycling (construction and demolition waste), aggregate bagging, concrete batching and minerals processing. Consequently as currently written Policy BR6 is neither appropriate nor justified.

2.52 Discussion between the Council and the operator has led to an agreed form of new wording for Policy BR6. This allows for the development sought by the operator subject to the satisfaction of strict environmental controls. Furthermore the amended policy makes it clear that it will need to be shown that the processing will assist in the restoration of the minerals extraction site. The Council's proposed change, **Ess.12**, reflects the agreed new wording and will ensure that Policy BR6 is appropriate and justified.

Conclusion

2.53 I conclude, therefore, that subject to the inclusion of the Council's change specified above in bold the policy relating to Marks Warren Farm (Policy BR6: Minerals) is appropriate and justified.

Matter 9: Town Centre Frontages

Are the percentage figures for non-retail uses within the Town Centre frontages appropriate and justified?

- 2.54 CS Policy CE1 (Vibrant and Prosperous Town Centre) states that within the defined primary and secondary frontages of the major, district and neighbourhood centres retail will be maintained as the predominant ground floor use. In my report on the BTCAAPDPD I found the alignment of the primary and secondary frontages in Barking Town Centre to be justified.
- 2.55 BWDPDPD Policy BE1 (Protection of Retail Uses) seeks to establish the maximum percentages of the measured primary and secondary shopping frontages that should be given over to A2-A5 uses. Different percentage figures are given for the various retail centres, with the lowest percentage figures in Barking Town Centre (i.e. 15% of the primary shopping frontage & 30% of the secondary shopping will be permitted for A2-A5 uses), District Centres (30% & 60% respectively) and Neighbourhood Centres (35% overall).
- 2.56 The Council has arrived at these particular percentage figures after consideration of a number of factors. These include the need to protect and enhance Barking Town Centre as a Major Centre and the other centres as important retail hubs, the percentage figures contained in the Unitary Development Plan, recent health checks of the centres, and analysis of the uses in these centres. When all this information is put together I find the percentage figures to be reasonable, soundly based and in accordance with the objectives of current retail planning policy.
- 2.57 The Council's proposed change, **Ess.27**, draws attention to the Council's recently published SPD on hot food takeaways which will be used to supplement the approach set out in Policy BE1.

Conclusion

2.58 I conclude, therefore, that subject to the inclusion of the Council's proposed change specified above in bold, the percentage figures for non-retail uses within the Town Centre frontages are appropriate and justified.

Matter 10: External & internal space standards

Are the standards for external amenity space and internal space for new housing justified and appropriate?

- 2.59 Both national planning policy and the LP emphasise the importance of high quality housing that is well-designed and built to a high standard. Consequently I consider that the incorporation of reasonable minimum external & internal space standards in the BWDPDPD is justified.
- 2.60 Policy BP5 (External Amenity Space) of the BWDPDPD contains a sliding scale of external amenity space requirements depending on the number of bedrooms. These standards do not appear unduly onerous and have been shown to be realistic and effective when applied through the Unitary Development Plan. Furthermore the policy makes it clear that there will be exceptions, including within town centre and strategic regeneration sites, where the achievement of other planning objectives, such as the need to make the most efficient use of land, may take precedence.
- 2.61 Again I do not find the space standards set in Policy BP6 (Internal Space Standards) to be excessive. In reaching this judgement I note that the recently published interim edition of the Mayor's London Housing Design Guide contains similar standards for minimum combined floor area of living, dining and kitchen spaces. I also consider that there is some flexibility in the policy as the first paragraph makes it clear that the Council 'will seek to ensure that new dwellings provide adequate internal space.' As with all planning decisions other material considerations may outweigh any identified conflict with this policy.
- 2.62 The Council's proposed change to the supporting text to Policy BP6, **Ess.38**, is required to ensure that if the Mayor's London Housing Design Guide is adopted as supplementary planning guidance to the LP developers will be able to follow the Mayor's standards instead of those set out in Policy BP6.

Conclusion

- 2.63 I conclude, therefore, that subject to the inclusion of the Council's change specified above in bold, the standards for external amenity space and internal space for new housing are justified and appropriate.

Matter 12: Monitoring

Are there arrangements in place to monitor the policies and proposals in the Plan?

- 2.64 Paragraph 1.19 of the submitted BWDPDPD deals with monitoring in succinct terms. In my view there is a need to provide further explanation to make it clear that the indicators and targets to be used to measure performance will be those set out in the Core Strategy Monitoring and Implementation Framework. Furthermore there is a need to detail the action to be taken if a policy is proving ineffective or difficult to implement. The Council's proposed change, **Ess.3**, will address this point.

Conclusion

2.65 I conclude, therefore, that subject to the inclusion of the Council's change specified above in bold there are arrangements in place to monitor the policies and proposals in the Plan.

3 Endorsed Changes

3.1 The Council wishes to make a number of minor changes to the submitted BWDPDPD in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse them on a general basis for inclusion in the BWDPDPD in the interests of clarity and accuracy. These endorsed changes are shown in the attached **Schedule 2: Endorsed Changes**.

4 OVERALL CONCLUSION AND RECOMMENDATION

4.1 I have considered all the other points made in the representations and during the examination, including all of the changes suggested by the Council and listed in their schedules of changes, and those put forward by others, but I find no justification for recommending any further essential changes to the Borough Wide Development Policies DPD other than those in **Schedules 1 and 3** of this report.

4.2 I conclude that, with the essential changes I recommend in **Schedule 1 (Essential Changes - Proposed by the Council and Recommended by the Inspector) and Schedule 3 (Essential Changes – Proposed and Recommended by the Inspector)** the Barking and Dagenham Borough Wide Development Policies Development Plan Document satisfies the requirements of s20(5) of the 2004 Act and is sound in terms of PPS12. For the avoidance of doubt, I also endorse the Council's proposed minor changes set out in Schedule 2: Endorsed Changes.

Christopher Anstey

Inspector

This report is accompanied by three separate Schedules.

Schedule 1 (Council's Essential Changes - Proposed by the Council and Recommended by the Inspector).

Schedule 2 (Council's Endorsed Changes – Proposed by the Council and Endorsed by the Inspector).

Schedule 3 (Essential Changes – Proposed and Recommended by the Inspector).

