



# Report to the London Borough of Barking and Dagenham

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 8000

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

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

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

## REPORT ON THE EXAMINATION INTO THE LONDON BOROUGH OF BARKING AND DAGENHAM SITE SPECIFIC ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 2 October 2009

Examination hearings held between 20 April and 23 April 2010

File Ref: LDF001058

## ABBREVIATIONS USED IN THE REPORT AND SCHEDULES

AMR	Annual Monitoring Report
APC	Advertised Proposed Changes
CS	Core Strategy
DPD	Development Plan Document
EA	Environment Agency
En.	Endorsed Changes
Ess.	Essential Changes
FPC	Further Proposed Changes (arising from the Issues and Questions Paper)
GLA	Greater London Authority
GOL	Government Office for London
HIS	Housing Implementation Strategy
KRA	Key Regeneration Areas (Barking Riverside, Barking Town Centre & South Dagenham)
LBBDD	London Borough of Barking & Dagenham
LDF	Local Development Framework
LDS	Local Development Scheme
LP	The London Plan: Spatial Development Strategy for Greater London: Consolidated with Alterations since 2004 (2008)
LSIS	Locally Significant Industrial Sites
LTGDC	London Thames Gateway Development Corporation
PC	Proposed Changes
PHM	Pre-Hearing Meeting
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
SCI	Statement of Community Involvement
SDKRA	South Dagenham Key Regeneration Area
SFRA	Strategic Flood Risk Assessment
SIL	Strategic Industrial Locations
SRN	Strategic Road Network
SPD	Supplementary Planning Document
SSADPD	Site Specific Allocations Development Plan Document
HPC	Proposed Changes (arising from the hearings)

## **1 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 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 Site Specific Allocations Development Plan Document (SSADPD) 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 SSADPD 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 SSADPD against the advice set out in paragraphs 4.51- 4.52 of Planning Policy Statement 12 (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 SSADPD.
- 1.5 The SSADPD was submitted to the Secretary of State for examination on Friday, 2 October 2009. The submission version of the SSADPD was identical to the pre-submission version. In order to address issues raised by representors at the pre-submission stage, including those made by the GOL, GLA, EA, various landowners and other interested parties, the Council produced a Schedule of Advertised Proposed Changes to the submitted SSADPD in February 2010. This, together with the Sustainability Appraisal of the Advertised Proposed Changes to the submitted SSADPD, were advertised and made available for comment between 5 February and 5 March 2010.
- 1.6 The representations received on these Proposed Changes, together with the representations made at the pre-submission stage, were taken into account during the examination. In my report the Advertised Proposed Changes are referenced APC.
- 1.7 At the Pre-Hearing Meeting held on 9 March 2010 I circulated an Issues and Questions paper on the SSADPD to guide discussion at the hearings. In response the Council prepared nine Topic Papers which contained a number of Further Proposed Changes to the submission SSADPD. These changes are referenced FPC and contained in a separate schedule. Arising from the discussions at the hearings Hearing Proposed Changes were also produced by the Council. These changes are referenced HPC and again contained in a separate schedule. The FPCs and HPCs have not been advertised as

they involve minor changes to previous advertised changes to the submitted SSADPD and/or concern matters that do not prejudice interested parties. All the Council's proposed changes to the SSADPD are found in a single Council document - Consolidated Schedule of Proposed Changes to the Submission Site Specific Allocations DPD.

- 1.8 The proposed changes to the submitted SSADPD are found in two schedules attached to my report. **Schedule 1 (Essential Changes)** to this report includes those 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]** in my report and **Schedule 1**. There is one annex to **Schedule 1**. This is **Annex 1: List of saved UDP policies superseded by SSADPD policies**.
- 1.9 Although I recommend the inclusion of the various **Essential Changes** it is important to stress that these changes have been drawn up and put forward by the Council. Consequently they are an integral part of the Council's endeavour to produce a spatial plan that addresses the local community's needs.
- 1.10 The Council's proposed changes set out in **Schedule 2 (Endorsed Changes)** are designed to improve clarity, reflect recent developments, add flexibility, improve focus 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 SSADPD is clear, up-to-date, coherent and easily understood.
- 1.11 **My overall conclusion is that the London Borough of Barking and Dagenham Site Specific Allocations DPD is sound, provided it is changed in the ways specified. The essential changes required are set out in detail in Schedule 1 (Essential Changes). In summary they are:**
- a) ***Legal compliance. Incorporate list of superseded saved policies.***
  - b) ***Conformity with the Barking and Dagenham Core Strategy. Revise text of Chapters 1 & 2 to highlight the relationship between CS and SSADPD policies; explanation of housing provision figure of 14,800 dwellings; reflect current position with regard to affordable housing; amend Policy SSASM2 to accord with CS; revise text to reflect current position with regard to transportation infrastructure; and revise Policy SSASM35 as it relates to a new station at Renwick Road.***
  - c) ***Evidence base. Include justification for site allocations within Chapter 2; refer to site boundaries within Chapter 1; make reference to SINCS in Policy SSASM1; revise Policy SSASM2 as regards a replacement cinema, the future disposition of uses at South Dagenham West,***

***family housing and connection to the heating network; revise Policy SSASM13 to refer to police use of No 2 Farr Avenue; amend the reference to Mark's Gate allotments in paragraph 3.1; include a list of new primary school sites in Chapter 4; provide justification for the identified healthcare sites in Chapter 4 and revise wording of Policy SSASM12; and include reference to the Port of London Authority in Policy SSASC10D.***

- d) Consistency with national and regional policy. Include references in Policies SSASM1, SSASM2, SSASM4 and SSASM13 of the need to take account of the impact on the local and Strategic Road Network; revise Policies SSASM3, SSASM5, SSASM6, SSASM8, SSASM10, SSASM14 and SSASM15 to ensure that surface water flood risk assessments are carried out; refer to the Council's Sequential and Exception Tests of the Site Specific Allocations in relation to Policies SSASM20, SSASM29 and SSASM30; and refer in Chapter 3 to the open space standards to be followed.***
- e) Monitoring and Implementation. Identify in Chapter 6 indicators and targets to be used to measure performance.***

1.12 My report firstly considers the legal requirements, and then deals with the relevant matters and issues considered during the examination in terms of justification, effectiveness and consistency with national policy.

## **2 Legal Compliance**

- 2.1 In my judgement the Site Specific Allocations DPD meets the legal requirements set out under s20 (5) (a) of the Planning and Compulsory Purchase Act 2004 (as amended). The key considerations that have led me to this finding are set out below.

### ***Consistency with Local Development Scheme***

- 2.2 The SSADPD is referred to in the latest version (March 2008) of the Council's Local Development Scheme (LDS). The preparation of the SSADPD has met the timescales set out in the LDS with the exception of the Pre-Hearing meeting which was held in March 2010 and not January 2010. The Council did not hold public consultation on the preferred options in January – February 2009 as this was no longer appropriate following procedural changes in plan making policy and resulting in new Regulation 27 and 28 to the Town & Country Planning (Local Development) (England) Regulations 2004. New regulations 27 and 28 introduced a period of consultation prior to the submission documents rather than after. As the LDS was last updated in March 2008, the "Submission" dates referred to in the Local Development Scheme relate to the Pre-submission stage. In all other respects the SSADPD accords with the LDS and consequently this legal requirement has been met.

### ***Regard to Community Strategy***

- 2.3 The Barking and Dagenham Core Strategy (CS) was found sound in March 2010, subject to the incorporation of a number of essential changes. It is understood that the Council is to adopt the CS on 21 July 2010. The CS had regard to 'Building Communities Transforming Lives: A Community Strategy for Barking and Dagenham' prepared by the Barking and Dagenham Partnership (section 19(2) of the 2004 Act). In particular the CS Spatial Strategy is built around 5 themes which incorporate the 7 priorities of the Community Strategy. These spatial strategy themes provide the context for the detailed land use allocations set out in the SSADPD. As a result the SSADPD has had due regard to the Community Strategy for the area.

### ***Compliance with Statement of Community Involvement***

- 2.4 The Council's Statement of Community Involvement has been found sound by the Secretary of State and was formally adopted by the Council in August 2007. It is evident from the documents submitted by the Council, including the Regulation 30(1)(d) and 30(1)(e) Statements and its Soundness Self Assessment Statement, that the Council has sought to meet the requirements for engagement of the community in the preparation of the SSADPD as set out in Section 19(3) of the 2004 Act.

### ***Sustainability Appraisal***

- 2.5 It is clear from the documents submitted that alongside the preparation of the SSADPD the Council has carried out a parallel process of sustainability appraisal. The work carried out is detailed in the Council's Sustainability Appraisal of the Site Specific Allocations DPD (June 2009). This document constitutes the final report of the findings of the appraisal as required by Section 19(5) of the 2004 Act.
- 2.6 In addition the advertised proposed changes identified by the Council as significant were also subject to sustainability appraisal in the document Sustainability Appraisal of the Advertised Proposed Changes to the Submission Site Specific Allocations. This forms an additional appendix to the final sustainability report. Consequently the legal requirements relating to sustainability appraisal have been satisfied.

### ***Conformity with the London Plan***

- 2.7 By letter of 8 July 2009 the GLA confirmed that the pre-submission SSADPD was not in general conformity with the London Plan (LP). This was because various sites were omitted from the identified Strategic Industrial Locations and areas of deficiency in terms of access to nature were not shown.
- 2.8 The Council and the Greater London Authority have subsequently discussed matters of conformity in the light of the Council's proposed changes to the submission SSADPD and resolved these outstanding issues. As a result the GLA confirmed by letter of 12 March 2010 that the SSADPD, taking account of the advertised proposed changes, is now in general conformity with the LP. This constitutes the confirmation that is required to satisfy section 24(2) of the 2004 Act.
- 2.9 I am aware that a consultation draft replacement plan of the LP was published in October 2009. Although I note its contents this draft plan can only be accorded limited weight at this early stage. As a result my report is based on the policies, proposals and guidance in the adopted LP – The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008).

### ***SSADPD submission documents, publicity & notification***

- 2.10 The pre-submission stage of the SSADPD took place for a 6 week period between 5 June and 17 July 2009. During this time, all of the proposed submission documents were available in the Borough's 11 libraries and 2 principal offices (the Civic Centre in Dagenham and the Town Hall in Barking). The documents were also available on the Council's website. In addition to this, the consultation was advertised in the local press (The News, Barking & Dagenham's

community newspaper) and all consultees on the LDF database were notified by letter (29 specific consultation bodies and 958 general consultation bodies). The Advertised Proposed Changes were also consulted upon. Consequently the CS complies with the 2004 regulations (as amended) in these regards.

***Superseded saved policies***

2.11 Although a list of superseded saved policies was submitted alongside the SSADPD 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.42**, rectifies this and specifies that a list of saved UDP policies superseded by SSADPD policies be included in the SSADPD as Appendix 1. This change ensures compliance with the regulations.

***Conformity with the Core Strategy***

2.12 I deal with the issue of whether the SSADPD is in conformity with the CS in detail in Section 3 of this report. Suffice to say here that my conclusion in Section 3 is that the SSADPD conforms to the CS subject to the inclusion of a number of essential changes proposed by the Council.

**Legal compliance**

**In addition to the essential changes specified below under Issue 1 in Section 3 designed to ensure that the SSADPD is in conformity with the CS the following change is also required for the SSADPD to meet the legal requirements of the Act and Regulations:**

***Incorporation of list of superseded saved UDP policies (to be included as new Appendix 1 to the SSADPD).***

**Change required:**

**Ess.42**

### **3 Justified, Effective and Consistent with the Core Strategy and National and Regional Planning Policy**

- 3.1 The main issues are: whether the Site Specific Allocations DPD is in conformity with the strategy and provisions of the Barking and Dagenham Core Strategy; whether the policies and proposals in the SSADPD are supported by a robust, credible and up-to-date evidence base, are the most appropriate in all the circumstances and are consistent with national and regional policy; and whether the SSADPD is deliverable, flexible and capable of being monitored.

#### **Issue 1 – Conformity with the Barking and Dagenham Core Strategy**

##### **General**

- 3.2 The Core Strategy for Barking and Dagenham provides a clear spatial vision and strategy for the future development of the Borough. Amongst other things it identifies the major housing and employment sites and associated infrastructure that will need to be developed if the envisaged regeneration of this part of the Thames Gateway is to be achieved over the coming years.
- 3.3 I consider that the Site Specific Allocations DPD identifies, and provides comprehensive guidance on, those sites and proposals outside Barking Town Centre that are necessary to deliver the Core Strategy. In particular:
- a) **Key Regeneration Areas and Significant Housing Sites** (*Policies SSASM1-SSASM15*). Designed to deliver the significant amount of housing required in the CS whilst improving conditions on existing estates within the Borough.
  - b) **Minor housing sites** (*Policies SSASM16-33*). Mainly smaller sites that will help maximise the supply of new housing in line with the CS, enable the provision of Council housing and bring environmental benefits.
  - c) **Transport infrastructure sites** (*Policies SSASM34-SSASM36*). Safeguards land for planned transportation infrastructure required to facilitate development set out in the CS.
  - d) **Extent of the town centre hierarchy**. Defines the precise extent of the frontages in the District and Neighbourhood centres identified in the CS.
  - e) **Open Space**. Identifies the areas and boundaries of the open spaces protected by the CS.
  - f) **Sites of Importance for Nature Conservation**. Identifies the areas and boundaries of the sites of importance for nature conservation protected by the CS.
  - g) **Community facilities, including primary schools and health care facilities** (*Policies SSASC1-SSASC10*). Includes sites for new community facilities required to meet

existing needs and new need arising from the growth envisaged in the CS.

- h) **Strategic Industrial Locations and Locally Significant Industrial Sites** (*Policy SE1*). Brings up to date, and adds to, the industrial locations identified in the CS.

- 3.4 At present, however, the SSADPD does not explain in any detail the relationship between groups of policies in the SSADPD and the particular CS policy that they are designed to further. As a result the relationship between CS and SSADPD policies is not always apparent in the text of the SSADPD.
- 3.5 In order to address this point the Council has prepared proposed changes to Chapter 1: Introduction and Background (**Ess.1**) and Chapter 2: Managing Growth (**Ess.4**) linking the policies and proposals in the SSADPD to the CS. I consider that the incorporation of these proposed changes would ensure that the consistency of the SSADPD with the CS is evident.

#### **Housing Provision**

- 3.6 The CS includes a Housing Implementation Strategy (HIS). This provides for over 19,000 dwellings in the period to 2025, as against a strategic requirement for 17,800 dwellings. The HIS anticipates that of the 19,000 identified for the Borough in the order of 14,600 will be provided in the area covered by the Site Specific Allocations DPD.
- 3.7 Paragraph 2.5 of the submitted SSADPD indicates that the sites identified within the plan area will yield approximately 15,000 new homes by 2025. There is little explicit explanation in the SSADPD as to how this figure is derived, other than by reference to the HIS. Furthermore the SSADPD indicative housing capacity figures when added together only amount to 13,600 dwellings. However this matter was clarified during the hearings when the housing provision figures implicit in the SSADPD were set out in more detail by the Council.
- 3.8 In particular this work highlighted those sites identified as being suitable for housing development where no indicative housing capacity figure had been included (i.e. Policy SSAM3 Barking Rugby Club/Goresbrook Leisure Centre, SSASM10 Beacontree Heath – Wider Site, SSASM13 Thames View Regeneration Sites and SSASM14 Mark's Gate Regeneration Sites). Taken together these particular sites are likely to bring forward in the order of 1,000 more homes over the plan period. It is also clear from the additional material provided that other figures required inclusion, specifically 164 dwellings to be provided on the minor sites identified in the SSADPD, and 109 dwellings completed on small sites in 2009/10. When all these figures are added together it is evident that the SSADPD makes provision for over 14800 dwellings and as such accords with the Core Strategy and the Housing

Implementation Strategy. I believe that the Council's proposed change **Ess.3** is required to explain how the figure of 14800 dwellings is derived and how this sits with the overall provision figure set out in the Core Strategy.

#### **Affordable housing**

- 3.9 I found that the overall target for affordable housing in the CS, and the social rented/intermediate split, was not justified by the evidence submitted. As a result I recommended that the affordable housing policy be removed from the CS.
- 3.10 In the light of this there is a need to amend the affordable housing references on housing sites allocated in the SSADPD to reflect the wording in *Policy 3A.10 of The London Plan*. This LP policy refers to the need to seek 'the maximum reasonable amount of affordable housing on individual private residential and mixed use schemes.....' The Council's proposed changes, **Ess.9** [part] (Policy SSASM2), **Ess.10** (SSASM3), **Ess.16** (SSASM8), **Ess.18** (SSASM10), **Ess.20** (SSASM11), **Ess.22** (SSASM12), **Ess.24 & Ess.25** (SSASM13), **Ess.27** (SSASM14), **Ess.29** (SSASM15) and **Ess.31** (Para 2.9 - Minor Housing Sites), alter the text to reflect this wording and need to be included to ensure that the SSADPD accords with the CS and the LP.

#### **South Dagenham West**

- 3.11 The CS recognises the need for some employment generating uses on South Dagenham West in order to secure the delivery of a mixed urban community on the Key Regeneration Area at South Dagenham. As currently worded Policy SSASM2 South Dagenham West and Dagenham Leisure Park does not refer to employment use and for this reason this part of the SSADPD is not in conformity with the CS. However the Council have sought to address this inconsistency with proposed change **Ess.9 [part]** which allows for some employment generating uses at South Dagenham West provided it does not prejudice the development of housing on other parts of the site. The inclusion of this proposed change would ensure conformity with the CS.

#### **Transport infrastructure**

- 3.12 The levels of growth envisaged in the CS are dependent on substantial investment in new and improved strategic transport links. The critical importance of transport infrastructure improvements, including extensions to the East London Transit (ELT) and the Docklands Light Railway, is highlighted in the CS.
- 3.13 At present the text of the SSADPD as it relates to SSASM2 - South Dagenham West and Dagenham Leisure Park, and SSASM4 - South Dagenham East, does not reflect the current position with regard to

ELT and the Docklands Light Railway. The inclusion of the Council's proposed changes, **Ess.8 and Ess.12**, will rectify this.

**SSASM35 – Renwick Road Junction**

- 3.14 Upon my recommendation the provision of a new station at Renwick Road on the c2c London-Southend line was deleted from Policy CM4 of the Core Strategy. Instead of this a reference was included in the supporting text to Policy CM4 recognising that a new station at Renwick Road should not be ruled out in the event that the DLR extension does not proceed.
- 3.15 As Policy SSASM35 states that the potential for a new rail station at Renwick Road should be addressed it does not conform with the CS. The Council has recognised this conformity issue and the proposed change, **Ess.35**, indicates that a new station at Renwick Road will only be required if the extension of the DLR does not occur. I note that the London Borough of Havering, who raised this matter in its representations on both the CS and the SSADPD, consider that proposed change, **Ess.35**, satisfies its concerns.

**Conclusion on Issue 1**

- 3.16 I conclude, therefore, that subject to the inclusion of the changes specified below the Site Specific Allocations DPD is in conformity with the Barking and Dagenham Core Strategy and therefore meets the legal tests in this regard.

<p><b>Issue 1: Conformity with the Barking and Dagenham Core Strategy.</b></p> <p><b>The following changes are required to ensure conformity with the CS:</b></p> <p><i>Revise text of Chapters 1&amp; 2 to highlight the relationship between CS and SSADPD policies; explanation of housing provision figure of 14,800 dwellings; reflect current position with regard to affordable housing; amend Policy SSASM2 to accord with CS; revise text to reflect current position with regard to transportation infrastructure; and revise Policy SSASM35 as it relates to a new station at Renwick Road.</i></p>	
<p><b>Changes required:</b></p>	<p><b>Ess.1, Ess.4, Ess.3, Ess.9 [part], Ess.10, Ess.16, Ess.18, Ess.20, Ess.22, Ess.24, Ess.25, Ess.27, Ess.29, Ess.31, Ess.9 [part], Ess.8, Ess.12, and Ess.35.</b></p>

**Issue 2 – Whether the policies and proposals in the SSADPD are supported by a robust, credible and up-to-date evidence base, are the most appropriate in all the circumstances, and are consistent with national and regional policy**

***Evidence base – general***

- 3.17 The SSADPD consists of various policies and proposals grouped under the main Core Strategy themes of Managing Growth, Sustainable Resources and the Environment, Creating a Sense of Community and Ensuring a Vibrant Economy and Attractive Town Centres. These policies seek to identify land for a range of uses including housing, employment, community and health care facilities, transport infrastructure, allotments and open space. Other policies are designed to protect particular areas of land from development because of their inherent value to the local community. These include existing areas of open space, allotments and sites of nature conservation importance. As regards retail policy the SSADPD defines the extent of the primary and secondary frontages within the district and neighbourhood centres.
- 3.18 It is clear to me that the policies and proposals listed above are supported by a robust, credible and up-to-date evidence base. In drawing up the SSADPD the Council has had regard, amongst other things, to a comprehensive set of well-researched documents. These include the Housing Implementation Strategy (2009); Housing Needs Study (2005), the Strategic Flood Risk Assessment – Levels 1 and 2 (2008); Sequential Tests of the Key Regeneration Areas and the Site Specific Allocations (2009), Neighbourhood Centre Health Check (2006), Energy Strategy (2004), Playing Pitch and Outdoor Facilities Strategy (2005), Parks and Green Spaces Strategy (2003), Sites of Importance for Nature Conservation (2004) and Social Infrastructure Needs Assessment (2006). Having studied these documents I am confident that they constitute the strong evidence base that is required by PPS12.
- 3.19 Notwithstanding this it is not always apparent in the submitted DPD the justification for specific site allocations, particularly those that have not been previously dealt with in the CS. For instance there is limited explanation as to the reasons behind the allocation of a number of the significant (e.g. Thames View Estate, Mark's Gate Estate and Gorsebrook Village) and minor housing sites, as well as some of the transportation infrastructure schemes. Although the government's intention is to minimise unnecessary detail in DPDs I am of the view that a brief explanation is required in order to explain what is being sought through the DPD. The incorporation of the Council's proposed change, **Ess.4**, within Chapter 2 will rectify this and result in a document that is credible, clearly justified and coherent.
- 3.20 In my report on the examination into the CS I stated that the appropriate place for the consideration of the detailed boundaries of

the Green Belt, Metropolitan Open Areas, Sites of Nature Conservation Interest and the primary and secondary frontages within the district and neighbourhood centres, was at the site allocations stage. During the SSADPD hearings time was spent examining the derivation of these various boundaries. Having undertaken this exercise I am confident that the detailed alignment of these boundaries is justified by the evidence base and in line with the objectives of the relevant policies.

- 3.21 Chapter 1 of the submitted DPD does not refer to the various boundaries that are defined in the document or explain where they are to be found. The Council's proposed change, **Ess.2**, seeks to rectify this. The inclusion of this change will clarify the content of the SSADPD and direct the reader to where detailed boundaries can be found.

### ***Evidence base – specific sites***

#### **Policy SSASM1 – Barking Riverside**

- 3.22 The Sites of Nature Conservation Interest (SNCI) located within and next to the Barking Riverside Regeneration Area are shown on the Proposals Map and detailed in Chapter 3 of the SSADPD. These sites and their boundaries have been established as a result of a thorough assessment and study (i.e. the Council's 'Sites of Importance for Nature Conservation' [2004]). However there is no mention of these particular areas in Policy SSASM1 in spite of the fact that the site specific policies are designed to address all main issues. The omission of such important material from the site specific allocation throws into doubt the soundness of Policy SSASM1.
- 3.23 The Council's proposed change to Policy SSASM1, **Ess.5**, is designed to address this omission. In particular it refers to the SINCs within and next to Barking Riverside and the need to ensure that biodiversity and nature conservation interests are carefully reconciled with regeneration and development aspirations.
- 3.24 Concern has been raised by landowners about the potential for conflict between employment uses at Dagenham Dock and residential development on the eastern part of Barking Riverside. In my view the 100 metre buffer strip between the two developments sites allowed for in the outline planning permission for Barking Riverside, coupled with sensitive detailed development management, will ensure compatibility between uses.

#### **Policy SSASM2 - South Dagenham West and Dagenham Leisure Park.**

- 3.25 South Dagenham (i.e. South Dagenham West and South Dagenham East) is identified in the Core Strategy as a Key Regeneration Area where the intention is to create a mixed urban community. The Housing Implementation Strategy indicates that in the region of

4000 homes could be accommodated at South Dagenham, although the CS acknowledges that some employment generating uses will be required to aid delivery.

- 3.26 Policy SSASM2 links South Dagenham West with Dagenham Leisure Park, which is located to the north of Ripple Road and west of the Gorsebrook Junction. On the Dagenham Leisure Park site is a cinema together with several restaurants. The cinema operator has indicated that the cinema is likely to close in the short term because of competition from existing and new cinemas in the area. In turn the cinema operator believes that this will result in the demise of the other facilities on the site.
- 3.27 In the submitted SSADPD the Council makes it clear that it strongly favours a comprehensive approach to the master-planning and development of South Dagenham West and Dagenham Leisure Park as this would best ensure good planning and place-making, avoid increasing severance issues, and provide key links to adjacent land. Policy SSASM2, amongst other things, recognises that Dagenham Leisure Park has potential for housing and community uses to replace the existing leisure and entertainment uses on the site. The policy also states that the cinema at the leisure park should be re-provided at South Dagenham West.
- 3.28 I accept that there are considerable benefits in taking a comprehensive look at areas of land that are suitable for redevelopment and located close together. In this way the best mix and disposition of land uses can be identified and brought forward across a wide area. However it is important to ensure that any policy requirement as regards a specific development proposal is reasonable and likely to be delivered on the ground.
- 3.29 In this instance I do not consider that it is justified to require the re-provision of a cinema on South Dagenham West given that the existing cinema is becoming unviable because of competition from other operators. If this element of the policy was to stand then the owner of South Dagenham West site would be left with an obligation that would be difficult to deliver. For this reason I find this part of Policy SSASM2 to be unsound.
- 3.30 In order to address this matter the Council propose to amend the wording of Policy SSASM2 (**Ess.9 - part**). This proposed change specifies, amongst other things, that account will be taken of viability, demand and need in seeking to ensure a replacement cinema is provided. Furthermore the revised policy allows for an appropriate leisure facility to be provided instead of a cinema and indicates that provision will be in the vicinity rather than specifically at South Dagenham West. In my view this proposed change, whilst recognising the importance of securing a replacement cinema or appropriate leisure facility to serve the needs of local people, makes it clear that such development will only be brought forward in the area if it is viable and there is a demonstrated need. The flexibility

inherent in the revision addresses my concerns about the difficulty of delivering this part of the submitted Policy SSASM2.

- 3.31 With regard to the redevelopment of Dagenham Leisure Park Policy SSASM2 favours housing and community uses. The operator of the cinema at Dagenham Leisure Park, however, proposes that the existing facilities at the park should be replaced with a mixed use development, including housing, a convenience goods shopping facility and other associated uses.
- 3.32 I consider that the redevelopment of the leisure park for housing and community uses would be sensible given that such uses would sit comfortably amongst the predominantly residential areas north of this part of Ripple Road. With regard to a large convenience store I am mindful that such a proposal has not been subject to the proper procedures of community involvement and sustainability appraisal. As a result, and in accordance with the advice set out in The Planning Inspectorate's Local Development Frameworks - Examining Development Plan Documents: Procedure Guidance, I am only able to give limited consideration to this representation. Furthermore a large food store here is unlikely to satisfy the sequential approach as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth given the site's remote location from established centres and its Public Transport Accessibility Level (PTAL) 1 rating. Consequently I believe that the submitted wording of Policy SSASM2 as it relates to the future use of the leisure park is justified and the most appropriate in the circumstances.
- 3.33 I consider that there is need to provide further clarity in Policy SSASM2 as to the future disposition of uses on South Dagenham West if the policy is to be effective. As discussed under Issue 1 the policy is to be changed, in accordance with the CS, to allow for some employment generating uses at South Dagenham West to facilitate the delivery of a mixed urban community. I share the Council's view that it would be appropriate to focus any new retail, recreation and leisure facilities on that part of the site that is best suited to these purposes, namely the area around the existing retail hub at Merrielands Crescent / Chequers Corner. This area is centrally located in relation to existing and proposed residential area, has a reasonable PTAL of 3, and would increase the scope for linked trips. The incorporation of the Council's proposed changes **Ess.7 and Ess.9 [part]** would address this point.
- 3.34 Policy SSASM2 specifies that development at South Dagenham West and Dagenham Leisure Park should ensure that at least 40% of new homes are family sized and that development should be designed so that it can link into the planned district heating network. Although I support the objectives behind these policy criteria the costs involved in their fulfilment may prejudice scheme delivery. The Council's proposed change **Ess.9 [part]** specifies that the aim will be to provide 40% of new homes family-sized and that

connection to the heating network will depend on economic viability. The incorporation of these criteria within Policy SSASM2 will ensure greater flexibility and increase the likelihood of successful implementation.

#### **Policy SSASM13 Thames View Regeneration Sites**

3.35 At present No 2 Farr Avenue is in police use and the Metropolitan Police Authority has confirmed its intention to remain at the premises. The Council's proposed change, **Ess.23**, is designed to reflect this position.

#### **Mark's Gate allotment site**

3.36 Policy SSASM14: Mark's Gate Regeneration Sites indicates that in securing the comprehensive redevelopment of Padnall Court and Reynolds Court it may be necessary to decant residents to the Mark's Gate statutory allotment site and make alternative allotment provision in the local area. Such an approach appears reasonable in the circumstances given the urgent need to regenerate the Mark's Gate area and increase the amount and type of housing available.

3.37 This policy direction, however, is not reflected in paragraph 3.1 of the SSADPD, which deals with allotments. Rather this part of the SSADPD implies that the Mark's Gate allotments will be brought back into allotment use. The Council's proposed change, **Ess.36**, seeks to rectify this conflict and ensure consistency of approach in the document.

#### **Primary School Sites**

3.38 Paragraph 4.2 of Chapter 4: Creating a Sense of Community of the SSADPD explains that as a result of growth within the Borough's existing population and from new housing the number of pupils aged 4-11 is forecast to increase by over 11,500 by 2017. As a result the SSADPD identifies sites for an additional 11 primary schools that are likely to be required to serve this need. At present, however, Chapter 4 only details the 2 stand-alone sites at Cannington Road and St. George's Centre whilst the others are referred to within the specific site allocations contained in Chapter 2. Consequently the justification for the additional school sites is removed from most of the sites identified. The Council has sought to address this in its proposed change **Ess.38**. This contains a list of the school sites identified and their current status and would be inserted after the justification contained in Paragraph 4.2. The inclusion of this proposed change would explain the reasoning for the inclusion of all the sites identified and make for a justified plan.

3.39 At present there is some uncertainty as regards the precise number of dwellings likely to be accommodated on the Key Regeneration Areas and Significant Housing Sites. Clearly this could impact on whether a new primary school needs to be provided on a particular site. In recognition of this the Council makes it clear in proposed

change **Ess.38** that the provision of a new primary school at SSASM2 South Dagenham West and Dagenham Leisure Park, SSASM4 South Dagenham East and SSASM5 Sanofi Aventis depends on the number of new homes to be built. The incorporation of this proposed change would provide the necessary flexibility needed to respond to changing circumstances.

#### **Healthcare Sites**

3.40 There is little explanation in Chapter 4 of the submitted SSADPD as to the reasons behind the allocation of the various sites for new and improved healthcare facilities. The Council acknowledge this lack of justification and its proposed change, **Ess.39**, provides a brief, yet thorough, explanation of the various site allocations related to healthcare. Its inclusion in the DPD is required to ensure that the plan is credible and clearly justified. The Council's proposed change, **Ess.21**, is designed to ensure that the provision of health facilities at the Upney Lane Centre (Policy SSASM12) remains as an option.

#### **Barking Jetty**

3.41 Policy SSASC10D Barking Riverside – Stage 4 Neighbourhood Centre identifies a site for a new neighbourhood centre to serve the needs of Stage 4 of Barking Riverside. Although Barking Jetty is included within this site allocation no mention is made in Policy SSASC10D of the requirement to secure the formal consent of the Port of London Authority, as owner of the riverbed. The inclusion of the Council's proposed change **Ess.40** would rectify this omission and ensure that the policy is comprehensive.

#### ***Appropriateness***

3.42 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. The policies and proposals in the SSADPD sites are consistent with the direction of the CS and consequently are the most appropriate in the circumstances.

## ***Consistency with national and regional policy***

### **Site Allocations**

3.43 In my CS report I found that the CS, when read in its entirety, provides a clear spatial vision and strategy for the LBBDD that is in accordance with national guidance and the London Plan. In particular the CS identifies the major housing and employment sites that need to be developed, together with the associated transport infrastructure and flood mitigation measures required, if the envisaged regeneration of this part of the Thames Gateway is to be achieved. The SSADPD seeks to provide further detail on these matters as well as identifying other previously-developed land within the urban area that is suitable for development and would benefit the local area. Consequently the sites identified for development in the SSADPD are consistent with national and regional policy.

### **Strategic Road Network**

3.44 An important component of national and regional planning policy is the need to ensure that proper account is taken of the impact of new development on the trunk road and motorway network (i.e. the Strategic Road Network [SRN]). In the case of the LBBDD the SRN relates to the M11, the A13 section between the A1306 and the M25 junction 30, and the M25 junctions 29 to 30.

3.45 At present there is no requirement in the submitted version of the SSADPD to assess the effects of the large housing schemes in areas where public transport accessibility is poor on the SRN or bring forward proposals to remediate any adverse transport impacts. This omission means that the submitted SSADPD does not sit comfortably with national and regional policy as it relates to transport planning. In order to address this concern the Council propose 4 changes (i.e. **ESS.6, Ess.9 [part], Ess.13 and Ess.26**). These are designed to ensure that in assessing development at SSASM1 - Barking Riverside, SSASM2 – South Dagenham West and Dagenham Leisure Park, SSASM4 – South Dagenham East and SSASM13 – Thames View Regeneration Sites transport assessments are prepared to detail the impact on the local and the SRN and address any adverse transport impacts. The inclusion of these proposed changes in the SSADPD would resolve soundness issues related to this matter.

### **Flood Risk**

3.46 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 Drainage Systems [SUDS] in dealing with surface water drainage. There are a number of site allocations in the submitted SSADPD where no mention is made of this requirement. Consequently this omission means that

the SSADPD is not in line with national and regional policy relating to surface water drainage.

- 3.47 In order to rectify this matter the Council has prepared a series of proposed changes (i.e. **Ess. 11, Ess. 14, Ess. 15, Ess. 17, Ess. 19, Ess. 28 and Ess. 30**) specifying that a surface water flood risk assessment, which should adopt the principles of SUDS, is required for various site allocations. The sites covered are SSASM3 – Barking Rugby Club and Gorsebrook Leisure Centre, SSASM5 – Sanofi Aventis Site 2, SSASM6 – University of East London, SSASM8 – Lymington Fields, SSASM10 – Beacontree Heath (Wider Site), SSASM14 – Mark's Gate Regeneration Sites, and SSASM15 – Goresbrook Village. The incorporation of these proposed changes would address my concerns about the soundness of this part of the SSADPD. I note the Environment Agency supports these changes.
- 3.48 *PPS25* also makes it clear that in allocating land within Flood Zones 2 and 3 in DPDs there is a requirement for sequential testing to demonstrate that there are no reasonably available sites in the area with a lower probability of flooding that would be appropriate for the development. Although part of the evidence base for the submitted SSADPD was the Council's Sequential and Exception Tests of the Site Specific Allocations the findings of this document were not reflected in the text as regards SSASM20 – Maplestead Road Car Park, SSASM29 – Mellish Close and SSASM30 – Garages in front of 58-61 Alfred's Gardens. The Council's proposed changes, **Ess. 32, Ess. 33 and Ess. 34**, rectify this by referring to the sequential testing that has been carried out and that each site meets parts a) and b) of the Exceptions test. These proposed changes require inclusion to ensure that the SSADPD accords with national guidance. I note the Environment Agency supports these changes.

#### **Protected Open Space**

- 3.49 Planning Policy Guidance 17: Planning for open space, sport and recreation (PPG17) makes it clear that local authorities should on the basis of assessments of needs and opportunities set locally derived standards for the provision of open space, sports and recreational facilities.
- 3.50 Chapter 3 of the SSADPD contains a comprehensive list of designated open spaces to be protected in the Borough. However there is no explanation as to the standards that the Council intend to follow either in protecting such areas or in the provision of new open space. Consequently as submitted the SSADPD does not accord with national guidance as expressed in PPG17. However the Council's proposed change, **Ess. 37**, specifies the standards to be followed (i.e. maintain existing provision of 2.8 ha of public open space per 1000 population). The incorporation of this change will bring this part of the DPD into line with national guidance.

### **Gypsies and Travellers**

- 3.51 There is no policy relating to the provision of accommodation for gypsies and travellers in the Core Strategy. No additional sites for gypsies and travellers are identified in the SSADPD as the regional requirement for additional provision within the Borough has yet to be finalised in the Replacement London Plan. The Council confirmed at the hearings that a single issue Gypsy and Traveller DPD would be brought forward when the figures for additional provision were finalised. In view of the current uncertainty about the level of required provision I find this to be a sensible way forward.
- 3.52 In accordance with Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites the Council's Borough Wide Development Policies DPD, currently subject to examination, contains a criteria based policy to guide the location of new gypsy and traveller sites.

### **Marks Warren Farm**

- 3.53 The SSADPD does not include any consideration of minerals safeguarding issues, specifically in relation to the existing sand and gravel quarry and associated infrastructure at Marks Warren Farm. However it has been agreed between the operator of the Marks Warren Farm Quarry and the Council that the future of this site will be dealt with through the Borough Wide Development Policies DPD (BWDPDPD). The two parties intend to agree revised wording to Policy BR6 of the BWDPDPD to provide a policy context for aggregate and recycling facilities at the site. This change is to be advertised before the hearings commence in September 2010. I believe this to be an acceptable course of action and would avoid delays in progressing the SSADPD.

### ***Conclusion on Issue 2***

- 3.54 I conclude, therefore, subject to the inclusion of the changes specified below the policies and proposals in the DPD are founded on a robust and credible evidence base, are the most appropriate in all the circumstances, and are consistent with national and regional policy.

**Issue 2**

**Evidence base, appropriateness and consistency with national and regional policy.**

**The following changes are required to make the SSADPD sound:**

***Evidence base***

**Include justification for site allocations within Chapter 2; refer to site boundaries within Chapter 1; make reference to SINCS in Policy SSASM1; revise Policy SSASM2 as regards a replacement cinema, the future disposition of uses at South Dagenham West, family housing and connection to the heating network; revise Policy SSASM13 to refer to police use of No 2 Farr Avenue; amend the reference to Mark's Gate allotments in paragraph 3.1; include a list of new primary school sites in Chapter 4; provide justification for the identified healthcare sites in Chapter 4 and revise wording of Policy SSASM12; and include reference to the Port of London Authority in Policy SSASC10D**

***Consistency with national and regional policy***

**Include references in Policies SSASM1, SSASM2, SSASM4 and SSASM13 of the need to take account of the impact on the local and Strategic Road Network; revise Policies SSASM3, SSASM5, SSASM6, SSASM8, SSASM10, SSASM14 and SSASM15 to ensure that surface water flood risk assessments are carried out; refer to the Council's Sequential and Exception Tests of the Site Specific Allocations in relation to Policies SSASM20, SSASM29 and SSASM30; and refer in Chapter 3 to the open space standards to be followed.**

**Changes required:**

***Evidence base* - Ess.4, Ess.2, Ess.5, Ess.7, Ess.9 [part], Ess.23, Ess.36, Ess.38, Ess.39, Ess.21 and Ess.40.  
*National & regional policy* – Ess.6, Ess.9 [part], Ess.13, Ess.26, Ess.11, Ess.14, Ess.15, Ess.17, Ess.19, Ess.28, Ess.30, Ess.32, Ess.33, Ess. 34 and Ess.37.**

**Issue 3. Whether the SSADPD is deliverable, flexible and capable of being monitored**

3.55 The SSADPD is very clear as to the organisations and bodies that will be involved in the implementation of the various policies and proposals. Furthermore it identifies key dependencies and likely timescales. However the monitoring section in Chapter 6 is brief and essentially devolves monitoring to the Council's Annual Monitoring Report. Although it is accepted that the Annual Monitoring Report will be the vehicle by which progress is measured it is important to identify those indicators and targets that will be used to assess the effectiveness of SSADPD policies.

3.56 The Council's proposed change, **Ess.41**, will remedy this as it identifies those indicators and targets in the Core Strategy's Monitoring and Implementation Framework that will be used to measure progress with the policies and proposals in the SSADPD.

**Conclusion on Issue 3**

3.57 I conclude, therefore, subject to the inclusion of the change specified below the DPD is deliverable, flexible and capable of being monitored.

<p><b>Issue 3: Monitoring and Implementation</b></p> <p><b>The following change is required to make the SSADPD sound: Identify in Chapter 6 indicators and targets to be used to measure performance.</b></p>	
<p><b>Change required:</b></p>	<p><b>Ess.41</b></p>

#### **4 Endorsed Changes**

- 4.1 The Council wishes to make a number of minor changes to the submitted SSADPD 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 SSADPD in the interests of clarity and accuracy. These endorsed changes are shown in the attached **Schedule 2: Endorsed Changes**.

#### **5 OVERALL CONCLUSIONS**

- 5.1 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 Site Specific Allocations DPD other than those in **Schedule 1** of this report.
- 5.2 I conclude that, with the essential changes I recommend in **Schedule 1: Essential Changes**, the Barking and Dagenham Site Specific Allocations Development Plan Document satisfies the requirements of s20(5) of the 2004 Act and is sound in terms of PPS12.

*Christopher Anstey*

Inspector