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# Report to the Council of the London Borough of Barking and Dagenham

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

# Report on the Examination of the London Borough of Barking and Dagenham Local Plan 2037

The Plan was submitted for examination on 20 December 2021.

The examination hearings were held between19-22 July 2022, 27 July 2022 and 31 October-16 November 2023.

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## Abbreviations used in this report

GLA Greater London Authority

GTAA Gypsy and Traveller Accommodation Assessment

HRA Habitats Regulations Assessment

ILS Industrial Land Strategy

LSIS Locally Significant Industrial Site

MM Main Modification

NPPF National Planning Policy Framework

PPG Planning Practice Guidance

PPTS Planning Policy for Traveller Sites

PTAL Public Transport Accessibility Level

SA Sustainability Appraisal

SAC Special Area of Conservation

SHMA Strategic Housing Market Assessment

SIL Strategic Industrial Location

SHLAA Strategic Housing Land Availability Assessment

SoCG Statement of Common Ground

SPD Supplementary Planning Document

SSLUHC Secretary of State for Levelling Up, Housing and Communities

## Non-Technical Summary

This report concludes that the London Borough of Barking and Dagenham Draft Local Plan 2037 Second Revised Regulation 19 Consultation Version (Autumn 2021) (C1) and the London Borough of Barking and Dagenham Draft Local Plan 2037 Appendix 2: Proposed Site Allocations Second Revised Regulation 19 Consultation Version (Autumn 2021) (C2) (which hereafter we refer to together as the Plan) provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Council of the London Borough of Barking and Dagenham (the Council) has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over an 8-week period. In a limited number of cases [**MM7**, **MM15**, **MM21**, **MM24**, **MM31**, **MM69**, **MM116** and **MM128**]we have amended the detailed wording and/or added consequential modifications where necessary. These changes are explained under the relevant main issues below. We have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to the consultation on them.

The MMs can be summarised as follows:

* Updates to housing land supply, the housing trajectory, and housing requirement over the Plan period so that the Plan is soundly based and in general conformity with the London Plan.
* Modifications to the employment policies to ensure that they are justified, effective and in general conformity with the London Plan.
* Modifications to the policies for Tall Buildings and Building Heights for general conformity with the London Plan.
* Modifications for effectiveness to remove a site allocation for gypsy and traveller accommodation from the Green Belt to ensure it can be developed.
* Deletion of Policy DMD 5 which sought to protect local views because it is ineffective.
* A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy and in general conformity with the London Plan.

## Introduction

1. This report contains our assessment of the Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan’s preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound.
2. On the 19 December 2023 the Secretary of State for Levelling Up, Housing and Communities published the revised National Planning Policy Framework (NPPF) alongside other revisions to national policy. Paragraph 230 of that document indicates that the Plan should be examined against the version of the NPPF published on 5 September 2023. Therefore, when we refer to the NPPF in our report, we are referring to that published on the 5 September 2023. We have had regard to all relevant national policies and statements in preparing this report.
3. The NPPF (paragraph 35) explains that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy. The starting point for the examination is the assumption that the Council has submitted what it considers to be a legally compliant and sound plan. The London Borough of Barking and Dagenham Draft Local Plan 2037, submitted in December 2021, is the basis for our examination. It is the same document that was published for consultation in October 2021 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations). A different version of the draft Plan was also subject to consultation under Regulation 19 in October 2020. We have taken into account all representations made in response to both of these consultations.

### Main Modifications

1. In accordance with section 20(7C) of the 2004 Act the Council requested (EX22) that we should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2** etc, and are set out in full in the Appendix.
2. Following the examination hearings, the Council prepared a schedule of proposed MMs (EX192) and carried out SA (EX198) and HRA (EX197) of them. The MM schedule was subject to public consultation for 8 weeks. We have taken account of the consultation responses in coming to our conclusions in this report. We have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA / HRA that has been undertaken. Where necessary we have highlighted these amendments in the report.

### Policies Map

1. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan.
2. In this case, upon submission, it was not clear what constituted the submission policies map, or whether the maps and diagrams that potentially comprised it were consistent with one another and accurate. Indeed, a number of designations and allocations were identified on maps included in the Plan and either not shown or differed from those on the submission policies or vice versa. This matter was considered during the Stage 1 Hearings where it was found that in this regard, the Plan was not sufficiently clear to allow the examination to proceed.
3. To address this an initial MM consultation was carried out between 22 June 2023 and 7 August 2023 setting out the changes which would be necessary to make the submission policies map accurately reflect the policies in the Plan (EX94 to EX100). The responses to the consultation and the changes set out in those consultation documents were then read alongside the Plan providing the necessary clarity for the examination to proceed. For the avoidance of doubt, when we refer to the submission policies map in our report, we are referring to it as incorporating all the changes detailed in EX96.
4. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan’s policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the submission policies map are needed to ensure that the relevant policies are effective.
5. These further changes to the submission policies map, published for consultation alongside the MMs (EX194), include those detailed in EX96 where necessary. However, in this report we also identify in the relevant sections a number of further amendments to the submission policies map[[1]](#footnote-2) that are needed to those changes detailed in EX194 in the light of the consultation responses, which the Council will need to address upon adoption of the Plan.
6. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan’s policies, the Council will need to update the adopted policies map to include all the changes proposed in the Plan and the submission Policies Map as modified.

## Context and Scope of the Plan

1. The Plan includes a range of strategic and non-strategic policies which will supersede in full the London Borough of Barking and Dagenham Core Strategy (2010), Borough Wide Development Policies Development Plan Document (2011), Site-Specific Allocations Development Plan Document (2010) and the Barking Town Centre Area Action Plan Development Plan Document (2011). Upon adoption of the Plan, the development plan for the Borough will therefore comprise the Plan, the London Plan and the Joint Waste Development Plan for East London (2012). Strategic waste issues are not therefore within the scope of this Plan.
2. Barking and Dagenham is an outer London Borough to the east of the City of London. It is well connected with central London by the A12 and east-west rail links. The Borough is predominantly residential but with large areas of industrial land particularly concentrated in the south. This has significant regeneration potential but also plays an important role in the greater London economy. Many sites allocated in the Plan are in Council ownership. In 2017, the Council set up Be First to help proactively manage the Borough’s regeneration potential through providing statutory planning, development and delivery services on the Council’s behalf.

## Public Sector Equality Duty

1. The Council carried out an Equalities Impact Assessment to inform Plan preparation (C9). We have had due regard to the three aims expressed in S149(1) of the Equality Act 2010. Amongst other matters, the Act sets out the need to advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not share it.
2. We have considered various matters during the examination, including accommodation for gypsies, travellers and travelling showpeople, specialist housing to meet different needs such as for older people, accessible and adaptable housing, and ensuring that the flexible use of community facilities respects different social, cultural, and religious backgrounds. Overall, the Equality Impact Assessment (C9) demonstrates that the Plan would be unlikely to lead to any adverse impacts or cause discrimination to any particular groups with protected characteristics within the Plan area.

## Assessment of Duty to Co-operate

1. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan’s preparation. The Council has engaged with adjoining local planning authorities and with prescribed bodies on all relevant strategic matters from an early stage in Plan preparation, as documented in the Duty to Cooperate Statement (C8) and other statements submitted during the examination (including EX66 to EX70). The documents detail the strategic matters for cooperation and the organisations that the Council has engaged with in preparing the Plan.
2. Statements of Common Ground (SoCG) have been produced with the neighbouring London Boroughs of Havering, Bexley, Newham and Redbridge, the Greater London Authority (GLA), Historic England, National Highways, Transport for London, Network Rail, Barking Riverside Limited, and Network Rail, DB Cargo and Express Concrete Limited. Other statutory and non-statutory organisations have been involved through correspondence and consultation.
3. The Planning Practice Guidance[[2]](#footnote-3) (PPG) indicates that the degree of cooperation needed between parties in a London context depends on the extent to which strategic matters have already been addressed in the spatial development strategy, in this case the London Plan. There are no objections in respect of any failure to meet the duty to cooperate by any of the bodies prescribed in relevant legislation for the purposes of section 33A(1)(C) of the Act. Such issues as remain relate to matters of soundness which we address later in this report.
4. Overall, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and therefore the duty to cooperate has been met.

## Assessment of Other Aspects of Legal Compliance

### Local Development Scheme

1. The Plan has been prepared in accordance with the Council’s Local Development Scheme (C10), updated most recently in December 2023 (EX184).

### Consultation and the Statement of Community Involvement

1. The Council carried out two consultations under Regulation 19. As explained above, an initial MM consultation was also carried out between 22 June 2023 and 7 August 2023 during the examination seeking to address matters raised at the Stage 1 Hearings and provide a basis upon which the examination could reasonably proceed to Stage 2 of the Hearings (EX94 to EX100). Where necessary, the changes consulted on between 22 June 2023 and 7 August 2023 were incorporated in the final schedule of MMs which was consulted upon between 19 February 2024 and 14 April 2024. All this consultation was carried out in compliance with the Council’s Statement of Community Involvement.

### Conformity with the London Plan

1. Section 24(1)(b) of the 2004 Act requires development plan documents to be in general conformity with the spatial development strategy for the area, which in this case is the London Plan published on 2 March 2021.
2. For the reasons explained elsewhere in this report, the Plan as submitted is not in general conformity with the London Plan in relation to several important matters, including the approach to industrial land and tall buildings. There has been ongoing liaison with the Mayor of London culminating in a SoCG (EX121). Subject to a number of MMs, the need for which are explained below, we consider the Plan as amended to be in general conformity with the London Plan.

### Sustainability Assessment

1. The Council carried out a SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19 (C4 and C5). The appraisal was updated to assess the MMs (EX198).
2. The SA assessed the Plan against a range of economic, social and environmental objectives, as well as assessing reasonable alternatives for both housing and employment growth. The SA was used to inform plan-making and the preferred strategy for the Plan. As a London authority, the overarching strategy for development is set by the London Plan, which also establishes the minimum quantum of development required. In terms of distribution, 3 alternative spatial options were assessed involving no further release of industrial land, significant release of industrial land, and limited release of industrial land for residential growth. The last of these alternatives was the option that best met the housing and employment objectives of the Plan and the strategic requirements of the London Plan. Overall, we are satisfied that the Council’s SA work is fit for purpose, sufficiently robust and proportionate to the work needed for the preparation of the Plan.

### Habitats Regulations Assessment

1. The HRA carried out a screening and appropriate assessment of the policies and allocations within the Plan (C6). It identified that the only internationally designated site that could not be screened out was the Epping Forest Special Area of Conservation (SAC). Consequently, requirements for mitigation have been included in the Plan’s policies, particularly Policies DMNE 1 and DMNE 3. Our consideration of those policies and requirement for MMs in the light of evidence received during the examination is set out under the assessment of soundness. An addendum to the report concluded that the MMs would not lead to any additional likely significant effects (EX197).
2. We conclude that the potential likely significant effects of the proposals in the Plan have been appropriately considered through the HRA and that the Plan is legally compliant with respect to the Habitats Regulations.

### Climate Change

1. Section 19(1A) of the 2004 Act requires that development plans must, taken as a whole, include policies designed to ensure that the development and use of land in the Council’s area contribute to the mitigation of, and adaptation to, climate change. The spatial strategy focuses new development in locations with access to a range of facilities and services and with a choice of sustainable transport modes. Other policies, including on urban greening (Policy DMNE 2), trees (Policy DMNE 5) flood risk (Policy DMSI 6), sustainable design and construction (Policy DMSI 1), energy, heat and carbon emissions (Policy DMSI 2), and car and cycle parking (Policies DMT 2 and DMT 3) address a range of matters associated with this subject. We conclude that the Plan, when considered in the round, meets the statutory requirement for mitigation and adaptation to climate change.

### Superseded Policies

1. Regulation 8(5) of the 2012 Regulations requires that where a Plan contains a policy that is intended to supersede another policy in an adopted development plan, it must state that fact and identify the superseded policy**. MM69** is necessary to clarify which policies are to be superseded, as set out in Appendix 1 of the Plan. Subject to **MM69** this requirement has therefore been met. **MM69** has been adjusted post consultation to remove reference to supplementary planning documents (SPD’s) because these are not part of the development plan and outside of the scope of Regulation 8(5).

### Other Legal Requirements

1. Sections 19(1B) and 19(1C) of the 2004 Act require development plans, taken as a whole, to include policies to address the strategic priorities for the development and use of land in the Plan area. The strategic policies of the Plan, Policies SPDG 1, SP 1 to SP 9 and Area Policies SPP 1 to SPP 7, provide the main strategic policy framework for the Borough to deliver sustainable development. The strategic policies ensure new housing and employment growth are accompanied by supporting infrastructure and environmental improvements. Taken as a whole, the Plan meets the statutory requirement set out in the 2004 Act.
2. The Plan complies with all other relevant legal requirements, including in the 2004 Act and the 2012 Regulations.

## Assessment of Soundness

### Main Issues

1. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified eleven main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

### Issue 1 – Whether the Plan’s vision and objectives, spatial strategy and plan period are justified, effective and consistent with national policy and in general conformity with the London Plan?

#### Vision and Objectives

1. Chapter 1 of the Plan sets out a vision which in summary seeks to harness the growth opportunity arising from the Borough’s people, land and location while ensuring it is sustainable and improves prosperity, wellbeing and participation for all. The vision is soundly based and in general conformity with the London Plan.
2. The vision is supported by 5 strategic objectives and introductory contextual information. These objectives set out precise figures for the number of homes and jobs to be delivered over the Plan period. However, homes and jobs are discussed in detail in Issues 2 and 3 where we find a number of MMs are needed to clarify the Plan’s housing and economy related policies for soundness and general conformity reasons.
3. The objective to deliver 44,051 homes significantly exceeds the Council’s minimum housing requirement without justification. Furthermore, the objective to deliver 20,000 jobs should also be presented as an approximation in-line with the evidence base as discussed under Issue 3 below. Moreover, the objective seeking to achieve 463 hectares of parks and natural spaces is also unclear whether it relates to the total network or net additional space to be provided over the Plan period.
4. **MM1** and **MM2** address these issues by adding a table to the Plan which explains which policies will deliver each of the Plan’s objectives. They also adjust the wording of each objective so that they are based on the evidence base and consistent with the relevant policies (as modified) which would deliver them. They also clarify the Council’s objective is to provide for around 85 net additional hectares of parks and natural spaces over the Plan period in-line with the Council’s Parks and Open Spaces Strategy (NE6). Moreover, these MMs also adjust the introductory contextual information to reflect the amended vision and objectives and all other MMs discussed in the main issues below. **MM1** and **MM2** are therefore needed to ensure the Plan’s vision and objectives are justified and effective and in general conformity with the London Plan.

#### Spatial Strategy

1. Policy SPDG 1 sets out an overarching strategy for development in the Borough over the Plan period. It states the Council will support a minimum of 44,051 homes together with some 20,000 new jobs.
2. The Council has considered the land available for development and sought to maximise opportunities for growth across the full extent of the Borough in recognition of its spatial positioning in relation to Greater London. The majority of the development proposed within the Plan is located in and around the London Riverside Opportunity Area as identified by Policy SD1 of the London Plan. Other than to facilitate the development of a site to meet a specific need for gypsy and traveller accommodation the Plan as modified does not release any other land from the Green Belt / Metropolitan Open Land for development and instead seeks to achieve its vision and objectives through urban regeneration.
3. However, there is limited detailed explanation of how the housing and employment figures have been arrived at or how they relate to the London Plan or specific components of the evidence. Furthermore, it is unclear whether the figures detailed in Policy SPDG 1 are requirements or aspirations, which is ineffective.
4. **MM4** is therefore needed to Policy SPDG 1 and the associated justification text to ensure the housing and employment figures are justified, effective and in general conformity with the London Plan in accordance with our findings under Issues 2 and 3 below. Subject to **MM4**, the Council’s spatial strategy and Policy SPDG 1 are sound and in general conformity with the London Plan.

**Plan Period**

1. Policy SP 3 states that the Council will support the delivery of at least 44,051 homes between 2019 and 2037. Table 2 at Appendix 4 of the Plan shows a stepped trajectory with different housing targets for years 0-5, 6-10 and 11+ informed by the housing supply for the years 2020/21-2037/38. However, these periods are inconsistent and do not reflect the evidence base.
2. We consider the stepped trajectory in detail below and based on those findings, an MM is needed to clarify that the Plan period is 2020/21 to 2036/37 in the interests of effectiveness [**MM4**]. When we refer to the Plan period hereafter it is to this period that we are referring to.
3. The strategic policies of the Plan would not look ahead a minimum of 15 years from adoption as required by paragraph 21 of the NPPF. However, it would look ahead 13 years. To extend the Plan period would delay the adoption of the Plan which would not assist the delivery of the development within it. Furthermore, whilst the Plan would start a year later than the London Plan period, for the reasons explained below, we are satisfied that the London Plan requirements, particularly those relating to housing would be met in full by the Plan over its period. Moreover, the Council has committed to reviewing the Plan almost immediately on adoption. Subject to **MM4** and all relevant others, the Plan, overall, is justified on this particular point and in general conformity with the London Plan.

#### Conclusion

1. Subject to the MMs discussed above, the Plan’s vision and objectives, spatial strategy and plan period are justified, effective and consistent with national policy and in general conformity with the London Plan*.*

### Issue 2 – Whether the approach to housing is justified, effective, consistent with national policy and in general conformity with the London Plan?

#### The housing requirement

1. Policy H1(a) of the London Plan sets a 10-year housing requirement for the Borough of 19,440 homes between 2019/20 and 2028/29 which equates to 1,944 dwellings per year. The targets for each London Borough were based on the 2017 London Strategic Housing Land Availability Assessment (SHLAA). Paragraph 0.0.21 of the London Plan makes clear these targets are the basis for planning for housing in London and Boroughs are not required to revisit them in developing their own plans unless evidence suggests delivery can be achieved above those targets and in line with the London Plan’s strategic policies.
2. Furthermore, the London Plan also says at paragraph 4.1.11 that if a target is needed beyond the 10-year period to 2028/29, Boroughs should draw upon the 2017 SHLAA and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements. They should also roll forward the housing capacity assumptions applied to the London Plan for small sites. Drawing on the London 2017 SHLAA and the 10-year housing requirement, the minimum requirement to ensure general conformity with the London Plan would be 38,864 homes between 2020/21 and 2036/37.
3. The Plan states the Council will support the development of a minimum of 44,051 dwellings across the Plan period informed by the Council’s local evidence on capacity drawn from the supply of deliverable and developable sites identified in its own local housing land availability assessment (H9, H10 and H11). However, based on that evidence, it is clear many of the sites allocated in the Plan are large, in multiple ownership, mostly previously developed land and will require delivery support through masterplans or other statutory planning documents. Some sites also rely on uncertain infrastructure requirements, particularly transport infrastructure to ensure sufficient capacity towards the later years of the Plan period.
4. Be First are committed to proactively doing all they can to bring sites forward for development in the Borough. For example, a number of masterplans are either in preparation or committed and Be First are working proactively on the many sites which are owned by the Council. This is a significant advantage to the delivery of housing in the Borough but brings with it a degree of uncertainty. The evidence, particularly that gathered through the hearings, shows that the further work necessary across the totality of the sites allocated in the Plan is significant.
5. Furthermore, as discussed below, EX188 notes that when measured against the minimum London Plan requirement there has also been a significant shortfall in delivery of 2,483 homes between 1 April 2020 and 31 May 2023 and therefore a significant uplift in housing delivery is going to be necessary to meet the 10-year housing requirement of Policy H1(a) of the London Plan.
6. Aspiring to deliver more homes in the Borough than the London Plan minimum housing requirements and the annual rate of completions recently achieved is laudable. However, even though we accept the Council will do all it can to assist delivery, the majority of the supply relies on developers to deliver which the Council can influence but cannot control. All this background indicates that such an ambitious target and uplift in development recently achieved could be challenging to deliver.
7. Failure to meet the housing requirement could among other things, increase the pressure for sites to be developed for housing which are not allocated for such in the Plan. It could also bring pressure for higher density development on sites where lower density development may be more contextually appropriate. It could therefore have negative consequences for the delivery of the Council’s vision and objectives. Overall, these factors indicate a requirement of 44,051 as set out in the Plan, significantly in excess of the London Plan minimum requirement, would not be justified or effective.
8. To address this, the Plan’s housing requirement should be aligned with the London Plan requirement, but adjusted to reflect under delivery since the start of the Plan period. The reasoning above is a justified case[[3]](#footnote-4) for spreading the under delivery of housing over the full extent of the remaining Plan period (the Liverpool method). In doing so the Plan would be able to set a strategy to meet the totality of the London Plan requirement over the Plan period and potentially exceed it through flexibility in its housing land supply as discussed below.
9. Thus, specifically, MMs are needed to Policies SPDG 1 and SP 3 to clarify the housing requirement for the Borough is 38,864 homes between 2020/21 and 2036/37. Furthermore, MMs are needed to modify Policies SPDG 1 and SP 3 and their justification text to set out stepped annual requirements which are aligned with the London Plan requirements and account for under supply. MMs are also necessary to add justification text to explain how the housing requirement has been calculated, and to clarify that capacity identified in the Council’s housing land availability assessment (H9, H10 and H11) to potentially exceed the minimum requirements will be supported. These MMs are all therefore needed to ensure Policies SPDG 1 and SP 3 are justified, effective, consistent with national policy and in general conformity with the London Plan [**MM4**, **MM21** and **MM22**].

#### Housing land supply, small sites and windfall

1. The NPPF (paragraph 68) states that planning policies should identify a supply of a) specific, deliverable sites for years 1-5 of the plan period and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the Plan. Paragraph 74 of the NPPF says strategic policies should include a trajectory illustrating the expected rate of housing delivery over the Plan period.
2. The Plan’s trajectory at Appendix 4 and associated justification seek to explain how the Council will ensure housing delivery over the Plan period. However, it is unclear as to which sites will contribute to the supply for each year. The trajectory also doesn’t show all sources of supply, particularly small sites and windfalls. The Plan’s trajectory does not therefore illustrate the expected rates of delivery and is not consistent with national policy or effective in this regard.
3. To overcome this Appendix 4 of the Plan should be replaced with a new detailed annualised trajectory which details all allocated sites and their projected contribution to the supply as well as clarifying the projected supply from all other sources. This should be informed by the most up-to-date evidence on deliverability as set out in EX188 [**MM72**].
4. The London Plan sets out a minimum small sites housing target (for sites defined as below 0.25 hectares in size) for the Borough of 1,990 up to 2028/29. In accordance with Policy H2 of the London Plan, specific small sites are allocated in the Plan and projected to deliver 472 dwellings within this period. Paragraph 4.2.3 of the London Plan also notes that the small sites target can be taken to include a reliable source of windfall sites which contributes to the anticipated supply. The Council has estimated 381 homes would be delivered on small sites within this period as windfalls. Thus, even accounting for windfalls, the Plan would still have a shortfall of 1,137 homes from small sites up to 2028/29 when measured against the London Plan requirement.
5. However, the Council’s Monitoring Framework at Appendix 3 includes a key performance indicator to record the number of small sites which come forward over the Plan period. This will inform whether any work is necessary to identify more sites. Be First are also already committed to proactively addressing some of the small sites shortfall through its Innovative Sites Programme as detailed in EX188.
6. The Council’s local housing land availability assessment (H9, H10 and H11) is comprehensive. To seek to find specific small sites for allocation at this time would delay the adoption of the Plan and there is no guarantee that more small sites would be found. Any delay to the adoption of the Plan would have negative consequences for the delivery of housing overall as it would delay the allocation of all sites in the Borough. Pragmatically, MMs to include a proactive Council commitment to address the shortfall in the justification text of Policy SPDG 1 and as a new clause to Policy SP 3, in the interests of effectiveness would ensure overall general conformity with the London Plan and consistency with national policy in this regard [**MM4** and **MM22**].
7. Based upon the housing requirement set out in Policies SPDG 1 and SP 3 as modified, plus a 20% buffer[[4]](#footnote-5) the Council’s five-year requirement is 12,725. The Council’s housing trajectory as amended shows a deliverable supply of specific sites capable of delivering 12,734 dwellings over the relevant five-year period (2023/24-2027/28). Thus, based on the evidence before the examination, anticipating as indicated in the Local Development Scheme that the Plan is adopted in 2024, the Plan identifies specific, deliverable sites for 5 years following the intended date of adoption and at the time that the examination concluded.
8. Although, there is clearly not much margin for flexibility in the 5-year supply, beyond the first five years, the trajectory shows the projected annual rate of completions increases significantly towards the latter years of the Plan period showing a total supply of some 45,941 dwellings. Thus, there would be a buffer for uncertainty, of approximately 7,000 dwellings in excess of the Plan’s minimum housing requirement which could be achieved subject to a number of factors, such as addressing infrastructure capacity, Council led regeneration and the timely completion of relevant masterplans.
9. Given the context described above, particularly the vision based on urban regeneration, we are satisfied the Council has identified all opportunities and is committed to doing all it reasonably can to facilitate housing development in the area.

#### Affordable Housing

1. Policy SP 3 states the Council will seek a 50% strategic target of affordable housing on all private sector schemes. However, the limitation to private sector housing is not justified or in general conformity with Policy H4 of the London Plan. An MM is therefore needed to remove the words private sector to ensure the policy is justified and in general conformity with the London Plan [**MM22**].
2. In line with Policy H5 of the London Plan, Policy DMH 1 sets out a threshold approach to applications which trigger affordable housing requirements with criterion b) providing for early review mechanisms to maximise delivery if viability improves. However, for completeness and therefore general conformity criterion b) should also reference the Fast Track Route set out in Policy H5 of the London Plan [**MM21** & **MM23**]. However, these MMs introduce into the Plan reference to 35% in a way that it could be interpreted as a target when in fact 35% is not a target, it is a threshold which sets a limit for the Fast Track Route. So, for the avoidance of any doubt, we have adjusted the wording in **MM21** to reflect this. This ensures the Council’s approach fully conforms with the London Plan. We are satisfied no one is prejudiced because of this change which essentially brings the Council’s approach into line with that detailed in the adopted London Plan.
3. Paragraph 2 of Policy DMH 1 allows for exceptional circumstances to be demonstrated to justify off-site affordable housing or payments in lieu. However, a MM is needed to clarify that the 50% relates to both sites when more than one site is involved in the interests of effectiveness. Furthermore, while the threshold is 10 units or more, there may be instances where amendments to planning applications are purposely made or sites are artificially divided to avoid triggering the requirement. To address this, in the interests of effectiveness an additional clause should be added to Policy DMH 1 to allow the Council to seek affordable housing in these circumstances [**MM23**].
4. The Council’s Viability Study (V1-V8) demonstrates that, while there are variations across the Borough, the threshold approach can be reasonably expected to be financially viable in many cases. It also shows if a lower percentage requirement for affordable housing was set, it would be likely to result in less affordable housing units being delivered overall over the Plan period. Overall, subject to the above MMs the Council’s approach to affordable housing is soundly based and in general conformity with the London Plan.

#### Housing Mix

1. In line with the Council’s SHMA (H1), Policy DMH 2 requires developers to provide a mix of housing which meets housing need. For effectiveness an MM is needed to make it explicitly clear a developer should submit evidence to demonstrate how a scheme meets the housing needs identified in the SHMA [**MM24**].
2. Policy H10 of the London Plan sets out all the issues that applicants and Boroughs should take into account when considering the mix of homes on a site which developers must also consider in evidencing relevant proposals. For the avoidance of any doubt, we have therefore adjusted **MM24** from that consulted on to ensure that Policy H10 of the London Plan is cross referenced in Policy DMH 2 and in doing so there is no need to specifically reference development viability. This adjustment is needed for effectiveness and to ensure general conformity with the London Plan. We are satisfied this change is not prejudicial to any party because it is aligned with that of the adopted London Plan policy.

#### Specialist Older Persons Housing

1. Policy H13 of the London Plan states that Boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing. It says account should be taken of (amongst other things) local housing needs information including data on the local type and tenure of demand, and the indicative benchmarks set out in Table 4.3 of the London Plan.
2. The benchmark figure for Barking and Dagenham is 70 units per annum. However, no sites are specifically identified for this type of housing in the Plan. To ensure general conformity with the London Plan, a commitment to the delivery of the minimum benchmark figure should be included in the Plan to positively encourage proposals for this type of housing to be brought forward on allocated sites or windfall sites.
3. MMs are therefore needed to Policies SP 3 and DMH 3 and their justification text to commit to seeking the delivery of 70 specialist older person homes per annum in line with the London Plan benchmark figure to ensure general conformity with the London Plan [**MM21**, **MM22** and **MM25**].
4. Furthermore, criterion e) of Policy DMH 3 requires proposals to be supported by a legal agreement to ensure occupation by older persons. However, this may not be appropriate in all cases. An MM is therefore needed to ensure flexibility in the interests of effectiveness [**MM25**]. Moreover, an MM is needed to the definition of this form of housing in the Plan’s glossary to align it with that given in the London Plan and ensure general conformity [**MM74**].

#### Wheelchair Accessible Housing

1. Policy SP 3 states the Council will require wheelchair accessible accommodation across all tenures. However, this does not conform with Policy D7 of the London Plan because it specifically requires that 10 per cent of dwellings in any scheme are built to wheelchair accessible standard (Part M4 (3)).
2. The Plan is therefore in effect setting a higher standard than the London Plan which has not been assessed as part of the Council’s viability appraisal (V1-V8). This is not therefore justified. MMs are therefore needed to align Policies SP 3 and DMH 3 with Policy D7 of the London Plan to ensure general conformity [**MM22** & **MM25**].

#### Purpose Built Shared Housing

1. Policy DMH 4 sets out the Council’s approach towards purpose built shared housing. An MM is needed to clarify it is concerned with ‘large scale’ purpose built shared housing to ensure general conformity with Policy H16 of the London Plan. Criterion c) of Policy DMH 4 also seeks to direct this type of development to ‘preferred areas’ which are not identified on the submission policies map or supported by any explanation.
2. Transformation Areas are discussed in detail under Issue 5 below. These are identified in the Plan as locations where significant change is likely to take place in the Borough and are in effect the preferred areas for this form of development. In the interests of effectiveness, reference to ‘preferred areas’ should be replaced with Transformation Areas as identified in Policy SPDG 1 as modified [**MM26**].
3. Large scale purpose built shared housing should not significantly exceed the need for it as this could risk prejudicing the ability to meet other housing needs in the Borough. In this regard a clause should be added to Policy DMH 4 to reflect this in the interests of effectiveness [**MM26**]. Furthermore, **MM21** is also needed to add justification text explaining the Council’s approach and how Policy DMH 4 will be applied in the interests of effectiveness and justification.
4. With these modifications Policy DMH 4 positively encourages this form of housing, particularly in the Council’s Transformation Areas as part of a mix of housing which meets need. There is therefore no soundness or general conformity reason to modify the Plan to specify that this type of accommodation is needed in any of the Plan’s sub areas or on any specific site allocations.

#### Houses in Multiple Occupation

1. Policy DMH 5 sets out detailed requirements for proposals involving houses in multiple occupation. In line with the need identified in the SHMA (H1 and H8), it justifiably seeks to avoid the loss of family housing to this type of accommodation.
2. However, the reference to family housing in the policy should be consistent with the definition in the glossary to the Plan. Furthermore, paragraph 2 of Policy DMH 5 which sets limits on the percentage of houses in multiple occupation in any given street is not supported by any evidence or justification text in the Plan. This is therefore not justified or effective and should be deleted. Moreover, criterion e) refers to standards without clarifying that these are to the East London House in Multiple Occupation Guidance. In order for the policy to be justified and effective **MM27** and **MM74** address these issues.

#### Custom and self-build housing

1. As at November 2023 there were 328 individuals and 4 groups on the Council’s Custom and Self-Build Register (EX188). The Plan does not allocate any sites specifically for this type of housing. Instead, Policy SP 3 says the Council will support planning applications for custom and self-build housing through innovative approaches. What is meant by ‘innovative approaches’ is not defined in the Plan. Furthermore, although the Council are committed to proactively identifying small sites potentially suitable for this form of development over the Plan period through its Innovative Sites Programme this is not explained in Policy SP 3 or its justification text. **MM21** adds justification text to explain how the Council will seek to proactively address this need over the Plan period. Subject to **MM21,** Policy SP 3 is effective, justified and consistent with national policy in this regard.

#### Conclusion

1. Subject to the MMs identified above, the Plan has been positively prepared and is justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards housing in the Borough.

### Issue 3 - Whether the approach to Gypsies, Travellers and Travelling Showpeople accommodation and the Green Belt is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?

#### Gypsy, Traveller and Travelling Showpeople Accommodation

1. The Plan identifies a need for 25 pitches to accommodate gypsy and traveller needs over the Plan period based on a Gypsy and Traveller Accommodation Assessment (GTAA) (GT2). The needs of travelling showpeople were also assessed and found not to require any site allocations.
2. Following submission of the Plan, the case of *Smith v SSLUHC & others [2022] EWCA Civ 1391* prompted a revision to the Planning Policy for Traveller Sites (PPTS) in December 2023, widening the definition of a gypsy or traveller. In response to that revision, the need for gypsy and traveller pitches during the Plan period has been recalculated as 33, with a need for 22 of those pitches within the first 5 years (EX187). Modifications to the justification text in Chapter 5: Housing and Policies SP 3 and DMH 6 are necessary for effectiveness to incorporate these revised needs into the Plan[**MM21, MM22** and **MM28**].
3. The Plan allocates three sites to meet the need for gypsy and traveller accommodation. However, evidence shows that two of those sites at Collier Row Road and Choats Road are not deliverable because their landowners have will not release them for such a purpose. Therefore, it is necessary to delete these allocations as they are not positively prepared or effective [**MM28**].
4. At our request the Council has undertaken an extensive search for alternative sites for gypsy and traveller accommodation, in co-operation with neighbouring authorities and the GLA but has been unable to identify any deliverable sites (EX187). This leaves only one site at Eastbrookend Country Park which is allocated for up to 12 pitches. In response to the shortfall in identified sites, the Council has proposed the Castle Green Transformation Area (CF – Castle Green) as a broad location for additional pitches, albeit these would only become available towards the end of the Plan period. The Area is sufficiently large to allow for the provision of pitches as part of its redevelopment and is therefore in principle suitable for the proposed use. Modifications are necessary to identify CF - Castle Green as a broad location for a minimum of 21 pitches to ensure effectiveness[**MM6, MM28** and **MM130**].
5. The allocation of up to 12 pitches at Eastbrookend Country Park would not meet the identified need for 22 pitches over the first 5 years of the Plan, measured from its base date. Even though this approach would not be consistent with national planning policy as set out in the PPTS, the evidence presented to us shows that the Council has done all it can to try and address the matter at this time. A London-wide gypsy, traveller and travelling showpeople’s assessment by the GLA is proposed shortly and along with reassessing need may help with identifying new sites where the Council has been unable to do so. Because the Plan does not identify a 5-year supply of gypsy and traveller sites, the Council has committed to an early review of the Plan policies for gypsy and traveller accommodation (EX184).
6. We do not believe that repeating the site search would result in a more positive outcome and to do so now would further delay the delivery of the Plan as a whole. In light of the shortfall of allocated sites in the first 5 years of the Plan, for effectiveness we consider Policy DMH 6 should be made more encouraging towards unallocated gypsy and traveller sites that might come forward before the early review planned by the Council. Subject to MMs covering these points, and taking a pragmatic approach to the issue, we are satisfied that the Council’s approach is justified and effective and in general conformity with the London Plan [**MM21, MM22** and **MM28**].

#### Green Belt and Metropolitan Open Land

1. Paragraph 140 of the NPPF states that authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, and that strategic policies should establish the need for any changes to Green Belt boundaries. London Plan Policy G3 sets out similar requirements for Metropolitan Open Land.
2. A strategic need for gypsy and traveller accommodation has been identified through the GTAA (EX187). Despite an extensive search (EX187), and a review of the Borough’s Green Belt (EX82-85), the only specific, deliverable site identified is that at Eastbrookend Country Park. The lack of supply and any alternative sites for gypsy and traveller accommodation within the first 5 years of the Plan provides the exceptional circumstances necessary to justify altering the Green Belt boundary to remove the Eastbrookend Country Park site from the Green Belt, as evidenced in EX93. MMs are necessary to clarify this allocation in Policy SPP 7 and identify and specify the need for compensatory improvements to the remaining Green Belt to ensure consistency with national policy [**MM11**, **MM28** and **MM42**].
3. Three housing sites are allocated in the Green Belt / Metropolitan Open Land in the submitted Plan (BA – Collier Row Ecogrove, HR – City Pavilion and Elmstead Nurseries, Collier Row and XO – Lodge Avenue). The strategic housing policies of the Plan indicate that the need for housing over the Plan period can be met on other non-Green Belt sites within the Borough. Exceptional circumstances have therefore not been demonstrated to justify altering the Green Belt / Metropolitan Open Land boundary to facilitate the development of these sites for housing. **MM8** and **MM10** therefore delete these sites from the Plan because they are not justified and to ensure consistency with national policy. The Council will also need to make consequential changes to its policies map on adoption of the Plan as indicated in (EX194).

#### Conclusion

1. Subject to the MMs identified above, the Plan has been positively prepared, is justified, effective, consistent with national policy and in general conformity with the London Plan, in relation to the approach towards gypsies, travellers and travelling showpeople and the Green Belt.

### Issue 4 – Whether the Plan’s approach to the economy has been positively prepared, is justified, effective, consistent with national policy and in general conformity with the London Plan?

1. The Borough is part of the functional economic region of Greater London. In this context Chapter 7 of the Plan is concerned with Barking and Dagenham’s economy. In line with the Plan’s vision and objectives, the economy policies aim to among other things make better use of the Borough’s industrial land to facilitate the delivery of around 20,000 new jobs over the Plan period, maintain and enhance a vibrant and resilient network of town centres and ensure wharves are safeguarded.

#### Employment and Industrial Land (Policies SP 5 and DME 1)

##### London Plan requirements

1. Policy E4 of the London Plan states a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained, taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, co-location and substitution. It makes clear land and premises are categorised as either a Strategic Industrial Location (SIL), Locally Significant Industrial Site (LSIS) or non-designated industrial sites.
2. Criterion C of Policy E4 of the London Plan, requires capacity to be planned, monitored and managed and that any release should be facilitated through processes of industrial intensification, co-location and substitution in line with Policy E7 of the London Plan. Policies E5 and E6 of the London Plan require detailed boundaries to be defined for SIL and LSIS in Borough Local Plans alongside policies to manage development within them.

##### Local Context

1. The Council’s Industrial Land Strategy (ILS) (E7 & E8) forecasts, based on changes in the Borough’s employment sectors, an additional 10,777 jobs would be created in the Borough between 2020 and 2040.
2. The ILS shows that non-B use classes will deliver the largest number of jobs, but with the lowest growth rate. It suggests waste activities will deliver by far the smallest number of additional jobs by 2040 but will be the fastest growing sector of activities (waste activities provided a small number of jobs in 2020). Warehousing activities is slightly larger in size (jobs) than manufacturing activities in 2020. However, the ILS expects nominal and proportionate growth in manufacturing activities between 2020 and 2040, significantly more than in warehousing activities. This means, proportionally, manufacturing activities are likely to become more important than warehousing activities in the Borough over the Plan period.
3. Against this background, the ILS estimates an average of 538 jobs would be created in the Borough per annum and therefore approximately 9,160 jobs over the Plan period 2020/21 to 2036/37. The ILS calculates that around 200,000 square metres of floorspace and around 50 hectares of employment land will be required over the Plan period to facilitate the delivery of these jobs.
4. However, the Borough is already well on track to meet these projections. Since 2020, significant employment generating developments have been built or consented which are projected to deliver approximately 13,000 new jobs once these schemes are built out (EX189). This pipeline of schemes with consent or under construction includes the new Dagenham Film Studios in Dagenham East which could significantly influence local economic and cultural change in this part of the Borough.
5. Overall, the ILS and EX189 show that the jobs growth minimum requirement would be easily met, and the target of around 20,000 additional new jobs over the Plan period could also be comfortably met and possibly exceeded.
6. The Borough’s industrial land supply portfolio is large, of varying quality and attractiveness to the market. It is mainly made up of sites with low average floor area ratios. The ILS therefore includes a detailed appraisal of all employment sites in the Borough and their potential for intensification/densification. It finds that if the potential it identifies was realised around 172 hectares could be released to facilitate other forms of development, particularly housing. This could have a range of significant benefits not least to the urban regeneration of the Borough as outlined in the vision and objectives. However, the industrial land portfolio in the Borough makes a proportionately significant contribution to the overall London supply and thus if redevelopment is not monitored and managed appropriately there could be economically damaging implications for the Greater London economy.
7. This local context justifies the Council’s overall approach to managing industrial land in the Borough. However, the justification text in the Plan on this matter lacks detail. As drafted the relationship between the 20,000 jobs growth target, the evidence base and employment land supply is unclear. Without this connection there is no direct relationship between the Plan’s vision, objectives and the policies relating to employment land supply in the Borough. To address this **MM34** and **MM4** add justification text to Policies SPDG 1 and SP 5 to explain the background in the interests of justification and effectiveness.
8. We deal with Policies SP 5 and DME 1 in detail below, however, in line with our findings under Issue 1 and reflecting the local context and the evidence base, Policy SP 5 should also be amended to clarify that the Plan seeks the delivery of around 20,000 jobs, not at least, for effectiveness [**MM34**].

##### Policies SP 5 and DME 1

1. The Plan should identify all SIL and LSIS in the Borough. It should therefore clearly show the amount of employment land proposed to be released for residential development in the Plan. It should be explicitly clear if any land is proposed to be changed designation from SIL to LSIS supported by a clear justification. The Plan is not clear on these points, and as such is not justified, effective or in general conformity with the London Plan.
2. Policy SP 5 simply says the Council will protect office floorspace in accordance with Policy E1 of the London Plan and it will strengthen and intensify land within SIL and LSIS through a range of broad measures which in summary involve using the land more efficiently and the retention of a range of locations listed in Figure 26. The measures are not explained in detail in the Plan and the approach as detailed is not effective.
3. Policy SP 5 is supported by Policy DME 1 which sets out how the Council will utilise its employment land more efficiently. Criterion 1 of Policy DME 1 says that SIL and LSIS land release will only be considered in accordance with Policy E7 of the London Plan. Accordingly, criterion 7 of Policy DME 1 makes clear that proposals for residential development on SIL will be refused. Furthermore, criterion 10 of Policy DME 1 supports the co-location of industrial and non-industrial land uses on LSIS where proposals meet the requirements of Policy E7 of the London Plan, in effect allowing for co-location of industrial and non-industrial land uses on LSIS through ad hoc planning applications.
4. However, this approach is not in conformity with London Plan Policy E7, part B which clearly requires that the approach should only be considered as part of a plan-led process of SIL or LSIS intensification and consolidation (and the areas affected clearly defined in development plan policies maps) or as part of a co-ordinated masterplanning process. It says it should not be through ad hoc planning applications.
5. Whilst the ILS is robust, the opportunities it identifies with regard to specific SIL or LSIS sites are not clearly articulated in the Plan. Even though the Council is committed to undertaking a number of detailed relevant masterplans which are identified in the Plan, the majority of these are not yet in place. Overall, the Council’s approach with regard to SIL or LSIS intensification in the Plan is not plan led and the Plan’s overall strategy for employment land is not clear. Thus, in this regard, Policies SP 5 and DME 1 are not effective, justified or in general conformity with the London Plan.
6. A number of MMs are therefore needed to the justification text supporting Policies SP 5 and DME 1 to clarify the amount of industrial land proposed to be released or re-designated over the Plan period. Specifically, the Plan should explain that at this time only 14 hectares of SIL on Thames Road (CI – Thames Road) has been re-designated as LSIS and 7.6 hectares of SIL on Thames Road has been released for residential use resulting in an overall reduction in SIL of 21.6 hectares [**MM34, MM35, MM118** and **MM36**].
7. Furthermore, MMs are also needed to specify all the locations and detailed boundaries for LSIS and SIL in the Borough and clearly cross reference their geographical representation on the submission policies map as amended to ensure that all SIL and LSIS is effective and appropriately defined as required by the London Plan. [**MM34, MM35** and **MM36**].

##### Monitor and manage

1. The Council’s monitoring framework is critical to the delivery of the Council’s economic strategy and utilising its industrial land effectively over the Plan period. However, it is lacking in sufficient detail and does not have a direct relationship with the site appraisal data detailed in the ILS, rendering it ineffective. A MM is necessary to include a commitment to detailed monitoring in Policy DME 1. This should clarify that the Council will work proactively to facilitate the industrial land intensification potential identified in the ILS through a plan, monitor and manage approach in partnership with the GLA.
2. An MM is also necessary to make clear the Council will focus on publicly owned industrial land, engage with landowners of the Plan’s allocations and collaboratively bring forward masterplans for the Thames Road and Chadwell Heath areas.
3. Furthermore, key performance indicator 11 (to be renumbered 12) in the Council’s monitoring framework should be modified to set a clear target for ‘no net loss of SIL’ over the Plan period (other than that identified in the Plan). Alongside this change, to ensure flexibility and to increase the likelihood of the ILS to be realised, the opportunities identified in the ILS should be more clearly articulated in the Plan. This would be achieved by MMs to Policy DME 1 to require developments involving SIL or LSIS to clearly demonstrate how they contribute towards meeting the indicative floorspace capacity targets identified in the ILS for each relevant site. For effectiveness tables from the ILS detailing this information should be added to Policy DME 3 and as an Appendix. These MMs would provide the data the Council need to effectively plan, monitor and manage its employment land supply as new applications come forward and inform masterplans or future reviews of planning policy.
4. These MMs are therefore needed in the interests of justification, effectiveness and to ensure general conformity with the London Plan [**MM36** and **MM73**].

##### Development management

1. Criterion 11 b) of Policy DME 1 with reference to LSIS says Use Classes E(g)(i) and E(g)(ii), will be permitted and safeguarded. However, these are not industrial uses and therefore MM is needed to clarify that only Use Classes B2, B8 and E(g)(iii) will be safeguarded and permitted on LSIS to ensure general conformity with the London Plan. Furthermore, requiring new development to be neighbourly is ambiguous. This terminology should be replaced with ‘minimise noise impacts and/or neighbour amenity issues’ in line with London Plan Policy D1 to ensure a decision maker knows how to react to a proposal. **MM36** addresses these matters to ensure consistency with national policy, effectiveness and general conformity with the London Plan.

##### Specific industrial sites and the geographical application of the SIL and LSIS

1. Site Allocation E022 - Kingsbridge Estate. An area of SIL known as 1-8 Riverside Cottages forms part of site allocation E\_022 within the Barking and River Roding sub area. However, this parcel of land is in residential use and in private ownership with no realistic prospect of the land being made available for employment use. An MM is needed to adjust the site boundary and SIL designation on the Site Proforma to exclude this land as it is not available for employment development in the interests of effectiveness [**MM114**].
2. Site allocation E\_059 - Wantz Road. This site is within the Dagenham East sub area and is designated LSIS. However, planning permission has been granted on part of this allocation for an educational use which is being implemented. An MM is needed for effectiveness to adjust the site boundary on the Site Proforma to exclude this land as it is not available for employment development [**MM169**].
3. These changes are reflected in the MMs to Policies SP 5 and DME 1 discussed above. They are also reflected in the Council’s schedule of proposed changes to the submission policies map (EX194), which will ensure the geographical application of Policies SP 5 and DME 1 is also soundly based. Subject to these modifications, the LSIS and SIL designations are soundly based and in general conformity with the London Plan.

#### Affordable Workspace (Policy DME 2)

1. Policy DME 2 requires any employment development proposal of 1,000 square metres or more to provide workspace at rents maintained below the market rate for that space for a specific social, cultural, or economic development purpose. However, part 2 of the policy allows a payment in lieu where on-site provision is not feasible, without explaining what evidence developers are expected to provide to demonstrate such. It is not therefore clear how a decision maker should react. MMs are therefore needed to add justification text to explain this and set out the evidence developers must provide to demonstrate it is not practicable or viable to provide affordable workspace on-site. These changes are necessary to ensure consistency with paragraph 16 of the NPPF and effectiveness [**MM34** and **MM37**].

#### Town Centres (Policy DME 3)

1. Policy DME 3 seeks to encourage vibrant, resilient and characterful town centres. This is consistent with the overarching aim of paragraph 86 of the NPPF which requires councils, through planning policies, to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
2. However, paragraph 86 of the NPPF also requires planning policies to define a network and hierarchy of town centres and neither Policies SPDG 1, SP 3 or DME 3 clearly do this. An MM is therefore needed to include a clear town centre hierarchy in Policy DME 3 and cross reference their geographical application on the policies map to ensure consistency with national policy [**MM38**].
3. Policies SPDG 1 and SP 3 both make reference to a new district centre at Merrielands Crescent. Whilst a new district centre at Barking Riverside is justified by the Council’s Retail Study (E1), Merrielands Crescents is less than a mile away from Dagenham Heathway District Centre and the retail floor space provided does not meet the district centre definition given in the London Plan. Overall, a new district centre designation at Merrielands Crescent is not needed to meet a specific identified retail need and is not therefore justified or in general conformity with the London Plan. An MM is therefore needed to delete reference to it in the Plan to ensure the Plan is justified and in general conformity with the London Plan [**MM4**]. Consequential changes are needed to the Council’s submission policies map to remove the reference to it as detailed in EX194.

#### Visitor Accommodation and Evening Economy (Policies DME 4 and DME 5)

1. Policy DME 4 positively supports proposals for new visitor accommodation. However, it is unnecessary for the policy to specify requirements for such proposals to be subject to the sequential test or impact assessment because these matters are dealt with in detail in Policy DME 3 (parts 5 and 6 as amended). **MM39** is therefore necessary for effectiveness to delete these requirements.
2. A range of requirements to ensure a balanced socially inclusive evening and night-time economy are set out in Policy DME 5. However, this policy only applies to proposals in Barking Town Centre. Night-time uses are not just limited to Barking Town centre and could be proposed anywhere in the Borough. MM is therefore needed for effectiveness to ensure this policy is applicable to the whole Borough. **MM40** addresses this in the interests of effectiveness.

#### Safeguarded Wharves

1. Criterion 5 of Policy SP 5 and Figure 25 identify safeguarded wharves which are also designated on the submission policies map. Policy SP 5 says opportunities for intensification or rationalisation of safeguard wharves will require discussion with relevant bodies but there is no explanation of how or if any such proposals may be supported or not. This is ineffective and also suggests rationalisation may be acceptable which conflicts with the London Plan approach which seeks to ensure that existing and potential capacity and operability of the wharves is retained as a minimum.
2. The safeguarding of wharves is a requirement of Ministerial Safeguarding Directions which explicitly set out the requirement for consultation with the Mayor of London, the Port of London Authority and the Marine Management Organisation for relevant proposals and this should be clear in the Plan. Reference should also be made to the relationship between wharves and rail freight infrastructure, as discussed under Area Policy SPP 2 below. **MM35** would address these issues in the interests of effectiveness and ensuring general conformity with the London Plan.

#### Conclusion

1. Subject to the MMs identified above, the Plan has been positively prepared and is justified, effective and consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards the Barking and Dagenham economy.

### Issue 5 – Whether the site allocations and Area Policies are justified, effective, consistent with national policy and in general conformity with the London Plan?

#### Overall Approach to Area Policies and Site Allocations (Policies SPP 1-SPP 7)

1. The Plan divides the Borough into seven sub areas. For each area a Strategic Area Policy (Policies SPP 1-SPP 7) sets out the scale and form of development which should take place in accordance with Strategic Policy SPDG 1. A range of site allocations are made in each area with detailed site-specific requirements and site boundary maps set out in Site Proformas in C2.
2. However, it is not clear in the Plan that Policies SPP 1-SPP 7 are strategic policies as required by paragraph 21 of the NPPF. A number of MMs are needed to make it explicitly clear that Policies SPP 1-SPP 7 are strategic policies to ensure consistency with national policy [**MM1** and **MM3**].
3. Policies SPP 1-SPP 7 all set an amount of development which should take place in each sub area and a range of requirements which apply only to that specific area. They also include reference to specific requirements for Transformation Areas within them, where significant change is expected to take place over the Plan period. MMs are necessary to amend the housing numbers identified for each area in line with the revised housing trajectory. It is also necessary to adjust the proposed industrial floor space figures for each relevant area in line with the MMs discussed under Issue 4 above and the latest evidence (EX189) [**MM5** to **MM11**].
4. In light of the updated housing trajectory at **MM72** it is also unnecessary for each Site Proforma in C2 to include duplicative annual rates of delivery. This information needs to be deleted from all Site Proformas in the interests of effectiveness [**MM76**].
5. The geographical application of each area policy and the Transformation Areas within them are also unclear in the Plan and are not detailed on the submission policies map. The Plan is therefore ineffective and unsound in this regard and MMs are needed to clarify that Policies SPP 1-SPP 7 and the Transformation Areas both have a geographical application on the policies map [**MM5** to **MM11**]. Consequently, the policy boundaries of Policies SPP 1-SPP 7 and the Transformation Areas also need to be identified on the Council’s submission policies map as detailed in EX194.
6. Policy D9 of the London Plan provides an overarching policy for tall buildings in London and requires the Plan to determine if there are locations where tall buildings may be an appropriate form of development. In accordance with that approach, Policy DMD 2 sets out the tall buildings policy for the Plan, with appropriate heights included in the area policies [**MM5** to **MM10**] and appropriate locations shown on the policies map (EX194). These modifications are necessary for effectiveness and consistency with the London Plan in defining the heights of tall buildings within each area. Additional guidance on tall buildings within Barking Town Centre is provided in the justification to Area Policy SPP 1 [**MM5**]. One of the areas (SPP 7 – Becontree Heath and Rush Green) does not contain any locations for tall buildings.
7. Policies SPP 1-SPP 7 all include text which explains why certain requirements are specified and explains in detail how each policy should be applied with reference to the evidence base. Such detail is not necessary to indicate how a decision maker should react and instead seeks to justify the policy. Because of this Policies SPP 1-SPP 7 are not clearly written and are somewhat ambiguous making it unclear which elements require a decision maker to react or not in conflict with paragraph 16 of the NPPF. MMs are therefore needed to distinguish the text justifying the policies from the policy requirements. **MM5** to **MM11** would achieve this by providing a new preceding section for each Area Policy titled ‘Justification’ and deleting justification/explanatory text from each Area Policy. **MM5** to **MM11** are therefore needed to ensure that Policies SPP 1-SPP 7 are justified, effective and consistent with national policy in this regard.
8. Paragraph 23 of the NPPF states broad locations for development should be indicated on a key diagram, and land use designations and allocations identified on a policies map. Each Area Policy is also supported by an ‘Area Key Diagram’ (Figures 6, 8,10, 12, 14 & 16 and a map titled ‘Site Allocations’ - Figures 7, 9, 11, 13, 15 & 17). All are on ordnance survey map bases and show detailed site boundaries and land designations. The maps titled ‘Site Allocations’ also list all the allocations made by Policies SPP 1-SPP 7.
9. However, the Council’s submission policies map, as proposed to be amended, accurately shows all the detailed geographical application of policies, site allocation boundaries and land use designations as required by the NPPF and legislation. The amendments take into account the changes to the submission policies map consulted on through the Council’s initial main modifications consultation as explained in the section on the ‘Policies Map’ above and those detailed in document EX194 which the Council will need to make to its policies map on adoption of the Plan. Therefore, Figures 6-17 of the Plan do not serve a clear purpose and result in unnecessary duplication contrary to paragraph 16 (f) of the NPPF.
10. MMs are therefore needed to delete Figures 6-17 from the Plan because in their current form they are ineffective. However, consequential to these modifications, MMs are also necessary to add a clear list of sites allocated by each Area Policy cross referenced with the Site Proformas in C2 for effectiveness.
11. Furthermore, given the scale of development taking place in each area, and the limited detail on the Borough key diagram supporting Policy SPDG 1, a replacement illustrative key diagram showing the delivery of each Area Policy by broadly identifying the locations of large developments in relation to infrastructure is necessary to ensure consistency with national policy and effectiveness [**MM5** to **MM11**]. Consequently, in light of these MMs, the table in Appendix 2 of the Plan, which lists some of the site allocations, is not necessary and should therefore be deleted in the interests of effectiveness [**MM70**].
12. The PPG states[[5]](#footnote-6) where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development. The Site Proformas in C2 set out site-specific requirements for each allocation. MM is necessary to reorder C2 so that all allocations are grouped together by the Area Policy which makes the allocation. Furthermore, in line with the trajectory as amended, it should be clarified that the number of dwellings specified in each Site Proforma is the number of dwellings that site is expected to deliver within the Plan period. MMs are necessary to address these issues in the interests of effectiveness[**MM72**, **MM77**, **MM115**, **MM131**, **MM146**, **MM157,** **MM171** and **MM184**].
13. The Plan does not include a Site Proforma for all sites allocated. The lack of detailed development requirements for these sites makes them ineffective. MMs are therefore needed to add Site Proformas for those sites to provide clarity on the nature and scale of development expected on all sites to ensure consistency with national policy and effectiveness[**MM78**, **MM83**, **MM84**, **MM86** to **MM88**, **MM90** to **MM92**, **MM94**, **MM98**, **MM99**, **MM101** to **MM103**, **MM105**, **MM107** to **MM113**, **MM117**, **MM119** to **MM122**, **MM126**, **MM134**, **MM144**, **MM147** to **MM149**, **MM152** to **MM155**, **MM158** to **MM163**, **MM165**, **MM166**, **MM168**, **MM173** to **MM175**, **MM177** to **MM182** and **MM185** to **MM188**].
14. Furthermore, the maps included in the Site Proformas in C2 show various land use descriptions which are not consistent with those detailed on the submission policies map as amended. This risks confusion and MMs are needed to all Site Proformas in C2 to ensure any land use allocations and designations shown are consistent with the submission policies map as amended [**MM75**].

##### Generic Site Allocation Requirements

1. We deal with a number of site-specific MMs in the sections below where necessary. However, the Site Proformas for each site allocated in the Plan, in many cases include standardised requirements which apply to multiple site allocations, so in the interests of efficiency we deal with these together in this section.
2. Because proposals for development need to be determined in accordance with the development plan as a whole there is no need to duplicate requirements in the Site Proformas which are set out in detail in other policies of the Plan. Policies SP 2 and DMD 1 set out a detailed approach to assessing design quality and developer expectations. However, the Site Proformas for many sites specify different design requirements which in some cases are inconsistent with Policies SP 2 and DMD 1. MMs are therefore necessary to delete these duplicative design requirements in the interests of effectiveness. It is also unnecessary for Site Proformas to specify requirements for tall buildings as these are clearly set out in the Area Policies as amended. Such requirements also need to be deleted in the interests of effectiveness[**MM85**, **MM93**, **MM95** to **MM97**, **MM100**, **MM104**, **MM118**, **MM123**, **MM132**, **MM135** to **MM143**, **MM145**, **MM156**, **MM164**, **MM172** and **MM183**].
3. Policy DME 3 sets out a range of requirements for the development of sites located within or adjoining town centres, including a threshold for impact assessment. It is not therefore necessary for these requirements to be duplicated in the Site Proformas for sites in these locations. MMs are therefore needed to delete these requirements in the interests of effectiveness [**MM80, MM84,** **MM95**, **MM156**, **MM176** and **MM183**].
4. As discussed under Issue 10 below, the Plan includes a range of transport related policies which set out requirements for car parking (Policy DMT 2), cycle parking (Policy DMT 3) and deliveries and servicing (Policy DMT 4). It is not therefore necessary to specify these requirements in the Site Proformas for any specific allocations. MMs are therefore necessary to delete them in the interests of effectiveness[**MM104**, **MM106**, **MM124**, **MM125**, **MM127**, **MM137**, **MM156**, **MM164**, **MM169** and **MM172**].
5. Policy DMSI 5 as modified by **MM55** requires sites with known potential to be contaminated to be developed in accordance with guidance on land contamination and remediation. However, where there is known or suspected potential for contamination, it is necessary for the Site Proforma to identify the need for a preliminary risk assessment, and where necessary remediation. A number of MMs are necessary to address this, in the interests of effectiveness[**MM79, MM80, MM82, MM83, MM85, MM88, MM89, MM96, MM97, MM100, MM106, MM116, MM123, MM125, MM130, MM133, MM135** to **MM140, MM142, MM143, MM150** and **MM164**]**.**
6. The general approach to flood risk is set out in Policies SP 7 and DMSI 6 as modified by **MM50** and **MM56** respectively, with improving the water environment contained in Policy DMNE 4 as modified by **MM46**. Sites allocated in the Plan do not need to be subject to the sequential test again, although at the application stage it may be necessary to reapply the exception test, and a site-specific flood risk assessment should be provided for all developments in flood zones 2 and 3. It is therefore necessary for the Site Proformas to identify where sites are at risk of flooding or where they need to have regard to the water environment in the interests of effectiveness[**MM79, MM82, MM85, MM89, MM94, MM95, MM97, MM102, MM104, MM106, MM108, MM109, MM114, MM116, MM118, MM121** to **MM125, MM127** to **MM130, MM132, MM133, MM135** to **MM145** and **MM165**].
7. A number of site allocations are crossed by or in close proximity to National Grid assets such as underground cables or pipelines for the transmission of electricity or gas. However, this is not fully recognised in the Plan for all affected allocations, meaning they are not effective with regard to this matter. A number of MMs are therefore needed for effectiveness, to ensure all such allocations specify the requirement to manage and appropriately respond to National Grid assets on site or nearby [**MM116**, **MM118**, **MM125**, **MM143** and **MM167**].
8. Historic England’s archaeological review (EX17) notes areas of the Borough where there is significant known archaeological interest or particular potential for new discoveries. In line with the SoCG between the Council and Historic England (EX28) MMs are needed to make clear as part of the development requirements for sites within such locations that an archaeological assessment must be submitted with any planning application in the interests of effectiveness [**MM85, MM97** and **MM132**].
9. A number of sites lie within the Abbey and Barking Town Centre Conservation Area or close to it such that development on them may affect its setting. MMs arenecessary to add or modify site specific requirements to have regard to the conservation area and enhance connectivity to it and other heritage assets in the town centre, including the remains of Barking Abbey which is a scheduled monument. These MMs are needed for effectiveness and consistency with national policy and legislation [**MM84, MM85, MM93, MM94, MM95, MM96, MM97, MM100, MM102,** and **MM113**].
10. The Council’s Local Development Scheme includes a programme of site-specific masterplans and SPDs it intends to prepare to assist delivery. The relevant Site Proformas note that commitment. However, the programme has been amended since submission and some originally planned masterplans or SPDs are no longer programmed. Thus, in the interests of effectiveness a number of Site Proformas require MMs to reflect the Council’s most up-to-date programme or reflect the latest level of commitment to deliver a strategic delivery framework for the site[**MM106**, **MM114**, **MM118**, **MM124**, **MM125**, **MM127**, **MM130**, **MM137**, **MM138**, **MM139**, **MM140**, **MM141**, **MM142**, **MM143**, **MM145**, **MM150**, **MM156**, **MM164** and **MM169**].
11. A number of sites are identified as being within the Joint Waste Development Plan which is currently under review. There is no need for the Site Proformas to reference any waste allocations or designations as these are all shown on the Councils policies map. A number of MMs are therefore needed to delete these requirements in the interests of effectiveness [**MM137** to **MM143** and **MM145**].
12. The Site Proformas also include a section on relevant planning history. A number of MMs are needed in the interests of effectiveness to ensure this information is up to date[**MM79**, **MM82**, **MM85**, **MM93**, **MM95**, **MM96**, **MM106**, **MM116**, **MM118**, **MM133**, **MM135**, **MM136**, **MM141**, **MM142**, **MM145**, **MM150**, **MM151** and **MM170**].

#### Barking and the River Roding Area (Policy SPP 1 and site allocations)

1. This area forms part of the London Riverside Opportunity Area as identified by Policy SD1 of the London Plan and as such is a location with significant development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity.
2. In addition to its riverside land, this area encompasses Barking town centre and its environs with established suburban housing to the east. The locations of greatest development potential consist of the town centre itself, public housing estates to the north and south, and land along the River Roding.

##### Area Policy SPP 1

1. Significant development has already taken place in the town centre and along the River Roding and is planned to continue in line with the Barking Town Centre Regeneration Strategy 2020-2030 (D10). This includes an upgrade to Barking railway station, which forms an important transport hub for the Borough.
2. The town centre contains the remains of the former Barking Abbey, a scheduled monument. An MM is necessary for effectiveness to emphasise the need for new development to respond to the heritage assets in the town centre while acknowledging the ambitions to enhance its potential to accommodate new commercial, entertainment and residential development [**MM5**].

##### Site allocations in the Barking and River Roding Area

1. Site Allocation AH - Fresh Wharf Estate was completed prior to the Plan period. This site is not accounted for in the development trajectory as amended and its inclusion in the Plan is ineffective an MM is necessary to delete it [**MM81**]. The Council will need to make consequential changes to its policies map on adoption as detailed in EX194.
2. Site Allocations AJ - Gascoigne Estate East and AL – Gascoigne Estate West lie to the south of the town centre and consist of medium density public housing and a small industrial estate. Regeneration and redevelopment with higher density residential development is underway, guided by the Gascoigne Big Picture Neighbourhood Strategy (EX163). MM is necessary to update the policy on the strategy, for effectiveness [**MM5**].
3. Site Allocation XC - Harts Lane Estate is an area of public housing lying to the north of the town centre. The policy sets out broad criteria for its regeneration and that of the associated sites over the Plan period. MM is necessary to delete the criterion referring to a green pedestrian link over the railway to an adjacent park, as there is insufficient evidence that this piece of infrastructure is justified or could be funded as part of the wider redevelopment proposals [**MM5**].
4. Site Allocation AK - Vicarage Fields is a covered shopping centre in Barking town centre opposite the railway station. The Council wishes to see the site improved with new commercial, housing and employment opportunities, and the policy includes criteria to guide such an approach. MM is necessary to clarify the wording of criteria a) and b) for effectiveness, and to delete reference to anticipated supplementary guidance where not available or likely to be published before adoption of the Plan. MM is also needed to insert further detail in the Site Proforma of the comprehensive mixed uses sought by the Council on this site. **MM5** and **MM80** are therefore needed for effectiveness.
5. **MM128** adds a new Proforma for Site Allocation E\_089 - 72-76 Land to the Rear of River Road. However, the allocation is partly in use for waste management and partly a safeguarded wharf and neither is reflected in the Site Proforma. Furthermore, more up to date information is available with regard to an existing planning permission relevant to the site. We have therefore adjusted **MM128** from that consulted upon to reflect these matters for effectiveness. These changes are factual, we are satisfied there has been no prejudice.
6. Site Allocations BB - Tesco Car Park and HA - Wickes (Hertford Road) lie adjacent to the River Roding either side of the A124 Barking Road. There are known archaeological remains on the sites that will need to be evaluated as part of any redevelopment proposals. MMs are needed toinsert new bullet points into the respective Site Proformas to address this point, for effectiveness [**MM85** and **MM97**].
7. Site Allocation HZ - Hertford Road Industrial Estate lies between the River Roding and the A406 North Circular Road to the west of Barking Town Centre. It is proposed for comprehensive mixed-use redevelopment of residential and intensified commercial floorspace. A requirement of the development will be to deliver a 2-3 form entry primary school. MM adds this requirement to the Site Proforma, for effectiveness [**MM104**].
8. Subject to the MMs identified above and others in this report all site allocations made by Policy SPP 1 in the Barking and River Roding area are justified and effective and in general conformity with the London Plan.

#### The Thames Riverside Area (Policy SPP 2 and site allocations)

1. This area also forms part of the London Riverside Opportunity Area. It is dominated by large swathes of industrial land particularly on Thames Road and along the Thames Riverside. Large scale regeneration is currently taking place at Barking Riverside (Site Allocation - AA), where a new riverside community is under construction with many dwellings occupied. This includes the provision of a new district centre focused on the Barking Riverside London Overground Station and a new public square linking down to the Thames Clipper pier connecting Barking Riverside to central London together with new bus services connecting to Barking Underground Station.
2. Internationally and locally significant rail freight infrastructure is also present in the area at Castle Green and its surroundings which brings significant opportunities. The Jacobs Study (EX25) notes this location is the only operational intermodal transport terminal in London (other than ports), has freight access to HS1, fast connection to the continent and is close to and easily accessible to numerous major freight generators. Common ground between the relevant parties, including landowners and operators (EX120) and the Council’s commitment to prepare a masterplan for this area will assist in maximising the opportunities presented.

##### Area Policy SPP 2

1. As set out above under Issue 4, Policies SP 5 and DME 1 as modified set out the strategic direction for the re-designation of 7.6 hectares of industrial land in this area from SIL to residential and 14 hectares from SIL to LSIS to facilitate its redevelopment to housing. MM is needed to make this clear in Policy SPP 2 and note these designations have a geographical application on the policies map [**MM6**].
2. In line with EX120, it is essential to ensure that rail freight facilities are accurately identified in Policy SPP 2 and that the Plan ensures that no rail freight capacity is lost as a result of redevelopment proposals in the area. The Plan does not currently do this, and therefore MM is needed to add justification text which states there should be no loss of any rail freight capacity and requires Network Rail and the rail freight operators to be consulted if any proposal would involve development of railway land in this area. **MM6** addresses these matters to ensure effectiveness and general conformity with the London Plan.
3. As explained under Issue 3 above, an MM to Policy SPP 2 is also necessary to identify the potential for gypsy and traveller accommodation to be provided in this area. Specifically, Site Allocation CF - Castle Green needs to be identified as a broad location for a gypsy and traveller site, which could be developed in line with the development of a masterplan for the area in the interests of effectiveness [**MM6**].

##### Site allocations in the Thames Riverside Area

1. Site Allocation AA - Barking Riverside. A planning performance agreement is in place involving a new application for outline permission which if approved would increase the capacity of this site to up to 20,000 homes. However, MMs are necessary for effectiveness to adjust the Site Proforma to reflect the latest evidence on site capacity and the expected annual rates of delivery, infrastructure requirements and the mix of uses. It is also unnecessary to specify wharves should be safeguarded in line with Policy SP 5, and this requirement should therefore be deleted. **MM116** addresses all these issues to ensure Site Allocation - AA Barking Riverside is effective. However, we have amended this MM from that consulted on to align the number of homes allocated with the outline planning permission and more recent information on deliverability and site capacity. Furthermore, the Transformation Area boundary shown on the Site Proforma map in **MM116** has also been adjusted to ensure it is aligned with the site allocation boundary. These adjustments do not prejudice any party, are needed for effectiveness and will need to be incorporated into the Councils policies map upon adoption.
2. Site Allocation CI - Thames Road. As discussed under Issue 4 above, a MM is necessary to the Site Proforma to make clear which parts of this site are to change designation from SIL to residential and LSIS and make clear that SIL reprovision, and industrial intensification is required in line with the ILS recommendations. A MM is also necessary for effectiveness to the site boundary on the Site Proforma map, to reflect the SIL designation and the site boundary of an adjacent allocation. The site area also requires adjustment to reflect this. **MM118**, addresses these points to ensure effectiveness and general conformity with the London Plan. The site boundary change has been addressed by the Council in EX194.
3. Site Allocation CF - Castle Green. A MM is necessary to the Site Proforma to identify this as a broad location for a gypsy and traveller development. A MM is also necessary to clarify the full range of existing railway infrastructure included within the allocation. Furthermore, as discussed under Issue 4, the Site Proforma should be amended to note the Council’s aspiration for a comprehensive mixed-use development in this location supported by a masterplan. However, in line with the Policy DME 1 as amended, the Site Proforma should make clear that a future review of the Plan is necessary before any land can be de-designated as SIL. Even so, initial work shows that, this large site could still deliver up to 450 dwellings towards the end of the Plan period, and around 7,000 homes as part of a coordinated masterplan. This should be reflected in the Site Proforma. **MM130** addresses these issues and is therefore needed to ensure effectiveness and general conformity with the London Plan.
4. Subject to the MMs identified above and others in this report all site allocations made by Policy SPP 2 are justified and effective and in general conformity with the London Plan.

#### Dagenham Dock and Freeport Area (Policy SPP 3 and site allocations)

1. Part of the London Riverside Opportunity Area, Dagenham Dock is an area of mainly industrial, warehousing and distribution uses, including the Ford manufacturing plant, which has historically been a major employer in the Borough. Over the last two decades the Ford plant has reduced significantly in scale, with consequent challenges for regeneration and opportunities for redevelopment. That redevelopment includes making more efficient use of existing industrial land as well as the release of some former industrial land for residential use.
2. The closure of Barking Reach Power Station has released land that is to be reused to house the City of London wholesale markets (Billingsgate, Smithfield and New Spitalfields) during the Plan period. The remaining Ford plant, which manufactures vehicle engines, and its associated wharf is now designated as part of the Thames Freeport, bringing with it customs and tax incentives. Other strategic industrial land to the west accommodates a range of industries with heavier oil storage, waste and aggregate handling uses along the riverside and more modern manufacturing, warehousing and distribution centres further inland along Choats Road.

##### Area Policy SPP 3

1. The policy sets out a series of criteria to guide further development in this area. MM is required to clarify the wording used in these criteria and to add a criterion supporting the expansion and intensification of employment floorspace, consistent with Policies SP 5 and DME 1 [**MM7**].

##### Site allocations in the Dagenham Dock and Freeport Area

1. Site Allocation AE - Beam Park is a large residential-led scheme currently being developed on former industrial land, which extends across both Barking & Dagenham and Havering Boroughs. Policy SPP 3 includes criteria that supports the continued redevelopment of the site in the manner planned. MMis necessary to clarify the wording and requirements of some of these criteria for consistency and effectiveness and delete unnecessary references to detailed design [**MM7**].
2. A new rail station has been planned to serve the new residential community with funding for its construction in place but liability for longer term operation as yet unresolved. The Council remains committed to the provision of the station but has modelled alternative transport solutions to demonstrate that the wider development could still be well connected to public transport without it. On this basis, we are satisfied that the allocation is deliverable and should remain in the Plan. MM is necessary to provide commentary on this point as part of the justification for clarity. To address responses made to the MM consultation, the justification text consulted on requires adjustment to fully recognise that if Beam Park Station does not become operational as planned, alternative transport solutions will need to be assessed in detail and secured to facilitate the infrastructure capacity necessary to accommodate the scale of development proposed. We have adjusted **MM7** accordingly, in the interests of effectiveness. These are factual changes, which have not prejudiced the interest of any party.
3. Site Allocations XJ - Former Ford Stamping Plant, AC - Merrielands Crescent Two and ZZ - GSR and Gill Sites are to be redeveloped for residential-led uses, adjacent to Beam Park. We agree with the Council that is it is no longer necessary or justified to create a new district centre at Merrielands. MM is necessary to delete the policy intention for a new district centre and include changes to wording in other criteria guiding development on these sites for clarity and effectiveness [**MM7**].
4. MM is necessary to add bullet points to the Site Proforma for AC - Merrielands Crescent Two requiring consideration of linkages to surrounding areas and adding a requirement for archaeological assessment. MM is necessary to update the requirement for a site for a secondary school in the Site Proforma for XJ - Former Ford Stamping Plant. Both these MMs are needed for effectiveness [**MM132** and **MM135**].
5. Site Allocation E\_014 - Barking Reach Power Station is the site for the City of London consolidated wholesale food markets. MM is necessary for effectiveness to modify the Site Proforma to include a requirement to explore the use of the River Thames to move freight to and from the markets [**MM137**].
6. Subject to the MMs identified above and others in this report all site allocations made by Policy SPP 3 are justified and effective and in general conformity with the London Plan.

#### The Chadwell Heath and Marks Gate Area (Policy SPP 4 and site allocations)

1. On the north edge of the Borough the Chadwell Heath and Marks Gate areas offer significant opportunities for regeneration associated with the Elizabeth Line connection at Chadwell Heath Station. The Council has identified two areas for significant regeneration at Marks Gate and Chadwell Heath industrial Estate. These areas are identified as Transformation Areas in Policy SPP 4.

##### Area Policy SPP 4

1. Marks Gate mainly comprises social housing. It is close to the Borough boundary and will involve a comprehensive strategy of public sector led estate renewal. Many site allocations in this area are in Council ownership. A masterplan is necessary and significant engagement will be needed with the local community to shape the regeneration of the area. The Council will also need to work closely with the London Borough of Redbridge on detailed proposals to explore cross boundary development implications and sustainable transport connections. A MM is needed to add justification text to reflect all this in the interests of effectiveness [**MM8**].
2. An industrial estate next to Chadwell Heath Station is identified as a Transformation Area which the ILS notes potential for significant remodelling and intensification.

##### Site allocations in the Chadwell Heath and Marks Gate Area

1. Site Allocation CH - Chadwell Heath Industrial Estate states circa 3,685 homes (3,000 within the Plan period) and 136,732 square metres of industrial space will be provided to deliver significant new jobs and homes over the Plan period. However, the monitor and manage approach set out in Policy DME1 as amended should be referenced in Policy SPP 4 when referring to this site to ensure general conformity with the London Plan and effectiveness [**MM8**].
2. The Council’s evidence (EX186) shows more precise education requirements than those specified in the Site Proforma based on the projected number of dwellings at this time. Furthermore, the opportunities to enhance connectivity with Chadwell Heath District Centre and maximise opportunities associated with Chadwell Heath Station should be specified in the development requirements. **MM150** addresses these issues for effectiveness.
3. Site Allocation WF - 97-131 High Road. The site boundary inaccurately includes two parcels of land which are not available for development. A MM is therefore needed to amend the site boundary in the Plan [**MM156**]. The housing land availability assessment and correspondence with the landowner indicates the site capacity of 365 dwellings remains justified and effective.
4. Subject to the MMs identified above and others in this report all site allocations in made by Policy SPP 4 are justified and effective and in general conformity with the London Plan.

#### The Dagenham East Area (Policy SPP 5 and site allocations)

1. Dagenham East is a largely residential area of the Borough developed in the interwar and postwar periods, with concentrations of industrial land on the Wantz Road Estate and on land formerly occupied by the May and Baker works. It also contains one of the Borough’s conservation areas at Dagenham village.

##### Area Policy SPP 5

1. The Plan identifies the existing commercial areas for redevelopment, as well as an opportunity for regeneration of the Ibscott Close Estate adjacent to the village centre. The planned allocations also include one educational site (RA) to provide a special educational needs school.

##### Site allocations in the Dagenham East Area

1. The former May and Baker site is being promoted as a centre for modern media and research-based businesses in two allocations: E\_038 - Here East and Film Studios and E\_055 - Dagenham East. Recent occupiers include a film studio and the transport research facility of University College London. An aspiration of the Council is to reopen the adjoining mainline station at Dagenham East, but that is not essential for the redevelopment of the sites allocated within the Plan.
2. Dagenham Village is the historic centre of Dagenham, centred on the church of St Peter and St Paul. The area policy recognises that regeneration of the Ibscott Close Estate - Site Allocation XE, which abuts the conservation area on its eastern side, will need to be carried out sensitively having regard to this local context. MMis required to clarify that the regeneration area includes adjoining highway land at Rainham Road South/Ballards Road as well as the Ibscott Close Estate [**MM9**].
3. MMs are necessary for effectiveness to include requirements in Site Allocations DS - Rainham Road South and WB - 30-58 Durham Road, 475, 477 and 477A Rainham Road South that development should replace the existing social rent provision on site. MMis also required to include a similar bullet point in the new Site Proforma for Site Allocation YC - Royal British Legion as well as bullet points requiring the reprovision of the existing community facility, for effectiveness [**MM162**, **MM163** and **MM165**].
4. Subject to the MM identified above and others in this report all site allocations made by Policy SPP 5 are justified and effective and in general conformity with the London Plan.

#### Dagenham Heathway and Becontree Area (Policy SPP 6 and site allocations)

1. This area is made up of a number of residential neighbourhoods and the centre of Dagenham Heathway. The largest neighbourhood is the Becontree Estate.

##### Area Policy SPP 6

1. Policy SPP 6 sets out principles to guide new development in this location. However, it refers to Dagenham Heathway as the Borough’s second town centre. This is not justified by the Council’s retail evidence. **MM10** is needed to reference it as a District Centre in line with the retail hierarchy set out in Policy DME 3 as modified to ensure Policy SPP 6 is justified in this regard.
2. Policy SPP 6 also refers to a masterplan being prepared for the area, which is not yet certain. Therefore, an MM is needed to remove reference to this in the interests of effectiveness. An MM is also needed to clarify that development proposals should include a statement setting out how a proposal adheres to the principles set out in Policy SPP 6, so that it is clear how decision makers should react to a scheme and to ensure effectiveness [**MM10**].
3. Criterion 5 b) of Policy SPP 6 (to be renumbered 9 b)) seeks to ensure the existing retailers are retained in the redevelopment of the shopping centre. However, this cannot be controlled and is therefore ineffective. Instead, a MM is needed which seeks to encourage the retention of existing retailers [**MM10**].
4. Principles to guide new development in the Becontree area are set out in Policy SPP 6. Criterion 6 e) (to be renumbered 10 e)) seeks to encourage the retention of small shops and services where they meet a community need. However, it is not clear how a decision maker should react to this because it not explained what is meant by ‘small’. MM is needed to simply refer to all shops and services, and require developers to demonstrate whether or not a community need was being met in the interests of effectiveness [**MM10**].

##### Site allocations in the Dagenham Heathway and Becontree Area

1. Site Allocation DM - Dagenham Heathway. MM is necessary to adjust the site boundary map and site area to reflect the extent of the developer’s land ownership in the interests of effectiveness [**MM176**]. Consequential changes will also be needed to the submission policies map as detailed in EX194.
2. Subject to the MMs identified above and others in this report, all site allocations made by Policy SPP 6 are justified and effective and in general conformity with the London Plan.

#### The Becontree Heath and Rush Green Area (Policy SPP 7 and site allocations)

1. Beacontree Heath and Rush Green are predominantly residential suburbs with supporting services, including higher education facilities in the form of Barking & Dagenham College and Coventry University London. There are limited development opportunities in this area, which is an established residential area with extensive public open spaces in the form of Central Park and Eastbrookend Country Park.

##### Area Policy SPP 7

1. Eastbrookend Country Park is the location of the Borough’s only established gypsy site. This site is proposed to be extended, with the extension to the site being allocated for 12 gypsy and traveller pitches and the Green Belt boundary altered to remove the land from the Green Belt. MM is necessary to add a new Site Proforma and to set out requirements for the development. This MM is needed for effectiveness and consistency with national policy. The policies map also needs to be updated to identify the gypsy and traveller site allocation as indicated in EX194 [**MM188**].

##### Site allocations in the Becontree Heath and Rush Green Area

1. For effectiveness, MM is needed to add a new Site Proforma for Site Allocation DH - Oxlow Lane (previously 265-285 Rainham Road North), with a requirement that its development should re-provide the existing social rent provision on site [**MM185**].

#### Conclusion

1. Subject to the above modifications, the Plan’s site allocations and Area Policies are justified, effective, consistent with national policy and in general conformity with the London Plan.

### Issue 6 – Whether the Plan has been positively prepared, is justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards design?

#### Strategic Policy SP 2: Delivering a high-quality and resilient built environment

1. Policy SP 2 sets a strategic direction for the delivery of a high-quality and resilient built environment. It sets out broad criteria for the design of new development and how it should integrate with existing features of value. MM is necessary for effectiveness to include a reference to healthy living and delete references to identified views [**MM13**].

#### Other Design Policies

1. Policy DMD 1 seeks to secure high-quality design through more detailed criteria building on those in Strategic Policy SP 2. For effectiveness, amendments are required to clarify whether the requirements of criteria are mandatory or permissive, rephrase criteria relating to archaeology and heritage assets so that they are consistent with national policy, and introduce new criteria relating to provision of utilities and off-site infrastructure. These amendments are achieved through **MM14**.
2. Policy DMD 2 provides guidance on tall buildings and appropriate locations for them. The Council has ambitious plans for regeneration in the Borough and recognises that high-quality tall buildings will be a core part of its strategy to revitalise and make optimal use of previously developed land. Justification for this approach, and in particular the wish to take a design-led approach to tall building location and design, necessitates further explanation in the introduction to the chapter, for effectiveness. The locations for tall buildings are now included within the area policies (SPP 1-SPP 6) and shown on the submission policies map (as amended), with an illustrative figure included with the justification text replacing Figure 20 [**MM12**].
3. As drafted, Policy DMD 2 lacks clarity as to the definition of a tall building. MM is needed for effectiveness to introduce a suitable definition, that is consistent with Policy D9 of the London Plan. The same modification also introduces additional criteria requiring safety measures, the visual impacts of tall buildings, and their relation to heritage assets to be taken into account in their design and location for consistency with other policies and to address issues raised in responses [**MM15**].
4. The use of the term ‘appropriate’ building height rather than ‘maximum’ building height is considered preferable in the Plan and MMs and for consistency with the wording used in criterion B 2) of Policy D9 of the London Plan. The revised illustrative Figure 20 also makes inconsistent reference to building heights outside tall building locations. Since the definition of a tall building is now to be included in the Plan these references are unnecessary and should be removed for clarity and consistency with the rest of the Plan [**MM12** and **MM15**]. We have made post consultation changes to these MMs to ensure the Council’s approach fully conforms with the London Plan. We are satisfied no one is prejudiced because of them.
5. Policy DMD 3 relates to development in town centres. Criterion 3 is not relevant to the purpose of the policy as it refers to development outside town centres. Its deletion is therefore necessary for effectiveness [**MM16**].
6. Policy DMD 4 seeks to protect and enhance the Borough’s heritage assets and archaeological remains. A number of changes to the policy text are necessary for clarity and consistency with national planning policy on conserving and enhancing the significance of heritage assets [**MM17**].
7. Policy DMD 5 was intended to protect local views in and around Barking Abbey and Barking town centre. However, there is no evidence or justification as to why these views had been chosen or could not be protected through other means. We also do not consider that their representation on the submission policies map or illustrative figure would achieve the principles set out in Policy HC4 of the London Plan (London View Management Framework). The policy is ineffective and unnecessary and should be deleted to ensure conformity with the London Plan [**MM18**].
8. Policy DMD 6 relates to householder extensions and alterations. MM is needed for effectiveness in amalgamating the first 2 criteria so that it is clear how they relate to the following sub-criteria in the policy [**MM19**].
9. Policy DMD 7 provides guidance on advertisements and signage. For effectiveness, it is necessary to delete irrelevant text, which relates to procedural rather than policy requirements, and simplify wording to make the policy clearer and consistent with the Advertisement Regulations [**MM20**].

#### Conclusion

1. Subject to the above modifications, we conclude that the approach to design is justified, effective, in general conformity with the London Plan and consistent with national policy.

### Issue 7 – Whether the plan has been positively prepared, is justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards social infrastructure?

1. It is necessary to expand the justification to Chapter 6 to include a reference to the Infrastructure Delivery Plan, which contains the social infrastructure the Council consider necessary to support new development, and also the intent to adopt a Planning Obligations SPD. The table of key evidence documents is also updated to reflect changes to some of the documents during the course of the examination. For effectiveness, these amendments are achieved through **MM29**.

#### Strategic Policy SP 4: Delivering social and cultural infrastructure facilities in the right locations

1. Policy SP 4 seeks to ensure that a range of social and cultural facilities are provided in new development and that existing facilities are safeguarded. MM is necessary for effectiveness to clarify the purpose of the policy, reorder criteria into a more logical list and include changes to reflect public health objectives in the Borough, which amongst other criteria seek to improve access to play and open spaces [**MM30**].

#### Other Social and Cultural Policies

1. Policies DMS 1 and DMS 2 protect existing facilities and provide policy guidance for new facilities respectively. MMs are necessary to clarify when marketing evidence is not required, and for effectiveness to more accurately reflect the relationship and consultation process with Sport England in connection with leisure and sports facilities [**MM31** and **MM32**]. **MM32** has been adjusted post consultation to clarify that proposals which form part of a public sector transformation programme with wider public benefits can be implemented flexibly where a specific social infrastructure facility is being lost as a result of the transformation programme. This change is necessary to ensure Policy DMS 1 does not set more onerous requirements than Policy S1 of the London Plan and is therefore needed to ensure general conformity. We are satisfied this change has not prejudiced the interests of any party, as this clarification relates primarily to development undertaken by or on behalf of public sector bodies.
2. Policy DMS 3 resists the change of use of public houses to other purposes unless certain criteria are met. MM is necessary for effectiveness to clarify when there is a need for a sequential site assessment, and for consistency with Policy HC7: Protecting public houses of the London Plan [**MM33**].

#### Conclusion

1. In conclusion, the Plan’s approach towards social infrastructure is positively prepared, justified, effective, in general conformity with the London Plan and consistent with national policy, subject to the MMs discussed above.

### Issue 8 – Whether the Plan has been positively prepared, is justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards the natural environment?

#### Strategic Policy SP 6: Green and Blue Infrastructure

1. Policy SP 6 sets out the strategic objectives of protecting and enhancing the quality of the natural environment and addressing deficiencies in the provision of open space. Policy SP 6 also seeks to protect the Green Belt and Metropolitan Open Land. For effectiveness, a footnote reference on open space requirements is required to be in the justification at the start of the chapter [**MM41**].

#### Other Natural Environment Policies

1. Policy DMNE 1 seeks to protect existing open spaces and playing fields and requires the provision of new open space and recreational facilities as part of new major residential development. A number of modifications are necessary to align Policy DMNE 1 with other policies in the Plan relating to Green Belt and Metropolitan Open Land, update protection of the Epping Forest Special Area of Conservation (SAC), avoid repetition of national policy on the use of existing open space, provide policy direction for open spaces not identified on the policies map, and provide guidance for the provision of new parks, allotments and play space. MM is necessary to cover these matters for effectiveness and consistency with national policy [**MM43**].
2. Policy DMNE 2 supports urban greening. MMis necessary for effectiveness and conformity with Policy G5 of the London Plan to clarify to which development it relates, and to add a further criterion providing policy direction for development that does not meet the relevant urban greening factor [**MM44**].
3. Policy DMNE 3 supports nature conservation and biodiversity. As well as adding a cross reference to Policy DMNE 1 relating to protection of the Epping Forest SAC, modifications are required to align requirements for biodiversity net gain with the Environment Act 2021, set expectations for what should happen if biodiversity net gain is not met on site, broaden policy wording on the use of native and non-native species in landscaping schemes, and provide direction on where further advice may be found. These modifications are necessary for effectiveness and consistency with national policy and legislation [**MM45**].
4. Land at the Gascoigne Road Pumping Station Rough is designated as a Site of Importance for Nature Conservation. Based on the evidence before the examination and in representations, we consider that there is sufficient evidence to support that designation and therefore there is no soundness reason to justify amending the designation at this stage. Policy DMNE 3 provides criteria for guiding development in or near nature conservation designations.
5. Policy DMNE 4 supports nature conservation in water environments. MM is necessary for effectiveness to clarify the protection required around flood defence infrastructure and the guidance available for development falling within the Thames Policy Area as shown on the submission policies map [**MM46**].
6. Policy DMNE 5 relates to the retention of trees and shrubs. Modification to the first criterion is necessary for effectiveness to clarify what existing planting is covered by the policy and when such planting may be considered unsuitable for retention [**MM47**]**.**
7. Policy DMNE 6 protects existing allotments and encourages new food growing opportunities. It is necessary for effectiveness and conformity with Policy G8 of the London Plan to clarify that where alternative allotments are being considered they should be of a comparable quality as well as within reasonable proximity of existing allotment holders, and that the requirement for new food growing opportunities also needs to be applied flexibly [**MM48**].

#### Conclusion

1. In conclusion the approach to the natural environment, subject to the MMs discussed above, is positively prepared, justified, effective, in general conformity with the London Plan and consistent with national policy.

### Issue 9 – Whether the Plan has been positively prepared and whether it is justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards sustainable infrastructure?

1. It is necessary for effectiveness to amend and expand the justification to Chapter 9: Sustainable Infrastructure to explain the Plan’s requirements for energy efficient new development, reduced reliance on the motor car, recognition for the need to improve air quality, and support for the Council’s wider aim for the Borough to become carbon neutral by 2050. These objectives include encouragement for innovative standards in building construction, the use of district energy schemes where practical, and support for circular economy principles as set out in London Plan Policy SI7 [**MM49**].
2. The Council forms part of the East London Waste Authority. The waste management strategy set out in the Joint Waste Development Plan for East London 2012 is being updated. For conformity with London Plan Policy SI8 it is necessary to explain the link with the Joint Waste Plan, which forms part of the development plan for the Borough, and its emerging replacement [**MM49**].

#### Strategic Policy SP 7: Securing a Clean, Green and Sustainable Borough

1. Policy SP 7 sets out broad requirements to mitigate climate change, reduce air pollution, manage flood and heat risk and control potential nuisances. Changes to criteria in the policy are necessary to clarify the need to meet the Borough-level apportionment for waste and maintain an appropriate landbank to meet current and future waste handling and disposal needs. It is also necessary to expand one of the criteria to reflect the Council’s preference for a retrofit-first approach in cases where demolition is proposed [**MM50**].

#### Other Sustainable Infrastructure Policies

1. Policy DMSI 1 supports energy efficient development. The requirements for new non-residential and residential and non-residential refurbishment are consistent with Policy SI 2 of the London Plan, subject to rewording in the interests of clarity. However, for consistency with national policy and a recent written ministerial statement on local energy efficiency standards, the requirement for new major residential development to meet the Home Quality 3-star rating should be amended from a mandatory requirement to encouragement [**MM51**].
2. Policy DMSI 2 seeks to reduce carbon dioxide emissions and encourages the use of low and zero carbon technologies. Rewording is necessary to align the use of energy assessments with Policy SI 2 of the London Plan. The criterion relating to district heating networks also needs amending to clarify consistency with Policy SI 3 of the London Plan and prioritise connection with existing networks as well as explore the potential for new networks in appropriate cases. These changes are made for consistency and effectiveness[**MM52**].
3. Policy DMSI 3 deals with nuisances including noise, vibration, light, smell, fumes and dust. It is necessary to re-order and reword some of the criteria for effectiveness to clearly show when they are applicable and to which types of development [**MM53**].
4. Policy DMSI 4 relates to air quality and sets out requirements for new development, including where in the Borough’s Air Quality Focus areas as defined on the Policies Map. Text on the Air Quality Management Area needs to be relocated to the justification section of Chapter 9 as it is explanatory rather than being a policy requirement. The retained criteria also need to be amended to make them consistent with Policy SI 1 of the London Plan, which seeks to minimise exposure to poor air quality [**MM49** and **MM54**].
5. Policy DMSI 5 provides guidance on the identification and remediation of contamination. For effectiveness, it is necessary to add an additional criterion requiring early engagement with the Council on land known to be at risk of contamination [**MM55**].
6. Policy DMSI 6 covers flood risk and flood defences. National flood risk policy aims to steer new development to areas with the lowest risk of flooding from any source. Land in the south of the Borough is at risk of tidal and fluvial flooding from the River Thames and other rivers flowing into it. Much of this land is currently or previously developed and has substantial development potential. Nevertheless, it is necessary to apply sequential tests and, where necessary, exception tests to sites that are potentially at risk of flooding.
7. A strategic flood risk assessment was carried out in 2016, and further assessment work was undertaken during the examination (EX117 and EX118). This work identifies that the Council is unable to meet its housing and employment requirements from sites in areas with the lowest risk of flooding, and therefore it is necessary to consider sites within areas with higher flood risk vulnerability. Those sites which meet the sequential test but are at risk of flooding have been subject to an exception test where necessary to determine that they provide wider sustainability benefits and can be made safe for the lifetime of their allocated developments. For the most part such mitigation is dependent on existing or planned flood defences that form part of the Thames Estuary 2100 Plan and take into account additional flood risk arising from climate change.
8. For consistency with national flood risk policy as set out in the NPPF, modifications are required to Policy DMSI 6 to clarify that it relates to flood risk from any source and covers situations where land becomes at risk of flooding due to climate change. For effectiveness and consistency with national policy, the policy also needs to respond to local circumstances where flood risk comes from both the River Thames and tidal sections of the River Roding, and there is a need to ensure that new development has regard to tidal flood defences as set out in the Thames Estuary 2100 Plan [**MM56**].
9. Policy DMSI 7 relates to surface water management and the efficient use of water supply. MMs are required to clarify the requirements of the policy on surface water drainage, remove an unnecessary criterion relating to waste water, align the need to minimise water consumption with Policy SI 5 of the London Plan and explicitly reference the Building Regulations to clarify that the optional requirement for lower water consumption is triggered [**MM57**].
10. DMSI 8 deals with demolition and construction waste. MM is necessary for effectiveness to clarify which developments the policy refers to, to delete a reference not relevant to development, and for a more pragmatic approach to non-traditional forms of waste storage and collection systems to enable flexibility in their application [**MM58**].
11. DMSI 9 promotes the inclusion of smart utilities in new development. MMs are necessary to clarify the meaning of a criterion requiring engagement with telecommunications operators, and to recognise the social and economic benefits of improvements to telecommunications networks when balancing visual impacts for consistency with national planning policy [**MM59**].

#### Conclusion

1. We conclude that subject to MMs, the approach to sustainable infrastructure is positively prepared, justified, effective, in general conformity with the London Plan and consistent with national policy.

### Issue 10 – Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards transport?

1. Evidence presented to the examination shows that the Borough’s highway and rail networks are forecast to be operating at close to full capacity by 2031 (T4). Without mitigation, the additional demands placed on these networks from growth included in the Plan is likely to lead to congestion and delay across the Borough.
2. The Council has developed a transport strategy (T1) that seeks to prioritise walking, cycling and the use of public transport over private motor vehicles in new development, and identifies a range of transport infrastructure improvements that would help mitigate some of the pressures arising from forecast demand. Through the course of the examination, additional modelling work (EX115) and further discussions between the Council and transport bodies has resulted in agreement on that approach with Transport for London (EX40), National Highways (EX119) and Network Rail (EX23).
3. Funding of major infrastructure improvement schemes remains uncertain in many instances. However, the Council has demonstrated that it is able to deliver significant new transport infrastructure as part of its regeneration schemes, for example the new railway and clipper stations at Barking Riverside, and agreement has been reached in principle on replacement of the A13 flyover (EX116). Where key infrastructure has yet to be secured, for example a new railway station at Beam Park, alternative mitigation measures have been considered and are available (EX114).
4. A considerable amount of new transport related information has been published since submission of the Plan, and some transport projects have been further progressed or completed and are now in operation. For clarity and effectiveness, modification is necessary to provide a summary of this work in the justification to the transport policies at the beginning of Chapter 10. A revised illustration of the major delivered and planned transport schemes in the Borough also needs to be brought forward to the justification from Policy SP 8 [**MM60**].

#### Strategic Policy SP 8: Planning for Integrated and Sustainable Transport

1. Policy SP 8 sets out criteria which seek to improve and, where necessary, safeguard transport networks that promote walking, cycling and public transport and ensure these networks are integrated and easily accessible to new development. The policy recognises the need for improvements to existing transport infrastructure and the need to work in partnership with transport bodies to achieve strategic transport targets as set out in the London Plan.
2. It is also recognised that to support planned growth, the Council will need to seek schemes that are car-free or car-lite where parking provision is in line with the London Plan parking standards.
3. It is necessary to relocate the opening criterion in the policy to the justification text as it relates to an explanation of the policy rather than a policy requirement. For effectiveness it is also necessary to safeguard land for a rail freight hub at Castle Green to support the greater use of rail to serve existing and planned industrial and distribution activities within the Borough and the wider London area [**MM61**].

#### Other Transport Policies

1. Policy DMT 1 supports better connected neighbourhoods. MM is necessary for effectiveness to update references in the policy in the light of transport initiatives progressed since submission of the Plan [**MM62**].
2. Policy DMT 2 relates to car parking. Modifications to the policy are necessary to clarify that all developments will be required to comply with the parking standards set out in the London Plan. References to public transport access levels (PTALs) that are not in conformity with the London Plan definition of well or less well connected need to be deleted. These changes are made for effectiveness and consistency [**MM63**].
3. Policy DMT 3 relates to cycle parking. For consistency with Policy T5 of the London Plan, MM is needed to change the requirement to meet minimum rather than maximum cycle standards [**MM64**].
4. Policy DMT 4 controls transport relating to deliveries, servicing and construction. MM is necessary to clarify the scale of development which needs to explore the use of alternative delivery and servicing practices designed to respond to changing habits and reduce carbon emissions where possible [**MM65**].

#### Conclusion

1. We conclude that subject to the above MMs, the approach towards transport is positively prepared, justified, effective, in general conformity with the London Plan and consistent with national policy.

### Issue 11 – Whether the Plan has been positively prepared and whether it is justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards enabling development and monitoring?

#### Strategic Policy SP 9: Managing Development

1. Policy SP 9 requires development to come forward in a co-ordinated way and deliver any infrastructure necessary to support it. For effectiveness, MMs are required to clarify the need for such co-ordination where development sites form part of a wider whole or are adjacent to one another [**MM66** and **MM67**].
2. For consistency and effectiveness, **MM67** amends the last criterion in the policy to commit the Council to undertake a review of the Plan every 5 years or earlier where monitoring indicates that strategic objectives are not being met, in accordance with national planning policy. For clarity, we have amended the policy wording to reflect the commitment of the Council to an early review of the gypsy and traveller policy as set out in **MM21**.

#### Other Enabling Development Policies

1. Policy DMM 1 sets out criteria for the use of planning obligations. Amendments are necessary to clarify that the list of possible uses for planning obligations is an open rather than a closed list, introduce greater flexibility as to when financial contributions should become payable, and indicate priority for funding where viability precludes all requirements being met. It is also necessary in such circumstances to set out when viability review mechanisms would be appropriate. These amendments are made for clarity and effectiveness [**MM68**].

#### Monitoring

1. Appendix 3 sets out key performance indicators for monitoring the effectiveness of the Plan. In addition to updating policy references and sources of information to bring them into alignment with changes made by other MMs, MM is necessary to add key performance indicators to measure gypsy and traveller pitch provision, new jobs, urban greening, provision of social and community facilities, and growth in sustainable transport. An indicator relating to hotel provision is deleted because it is unrelated to new policy. These modifications are necessary for effectiveness [**MM71**].

#### Conclusion

1. We conclude that subject to the proposed modifications, the approach towards monitoring and enabling development is positively prepared, justified, effective, in general conformity with the London Plan and consistent with national policy.

## Overall Conclusion and Recommendation

1. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
2. The Council has requested that we recommend MMs to make the Plan sound and legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the London Borough of Barking and Dagenham Local Plan 2037 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is legally compliant and sound.

L Fleming and G Davies

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.

1. PMSPM3 and PMSPM56 [↑](#footnote-ref-2)
2. Planning Practice Guidance: Plan Making, Paragraph: 033 Reference ID: 61-033-20190315 Revision date: 15 03 2019 [↑](#footnote-ref-3)
3. PPG Housing Supply and Delivery: Paragraph: 031 Reference ID: 68-031-20190722 Revision date: 22 July 2019 [↑](#footnote-ref-4)
4. As per paragraph 74 c) of the NPPF. [↑](#footnote-ref-5)
5. Planning Making - Paragraph: 002 Reference ID: 61-002-20190315 Revision date: 15 03 2019 [↑](#footnote-ref-6)