

EXAMINATION INTO THE HAVERING LOCAL PLAN 201-2031

Inspector's Matters Issues and Questions

Notes

The Council responded to some of the questions in this document in the letter dated 26 June 2018 and the 'Response to Inspector's Initial Questions' dated 3 August 2018. Questions have remained in this document in order to facilitate discussion at the hearings where necessary.

The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. Paragraph 214 confirms that under transitional arrangements the 2012 Framework will apply to plans submitted on or before 24 January 2019. References in this document to the Framework should be taken to mean the 2012 Framework.

Matter 1 – Legal compliance and the duty to co-operate

Issue

Has the Plan been prepared with due regard to the appropriate procedures and regulations? Has the duty to co-operate on strategic matters been satisfied?

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

Consultation / SCI

1. Has the Plan been prepared in accordance with the statutory procedures of the 2004 Act (as amended) and the associated regulations, including in respect of the publication and availability of documents, advertisements and notification? Has the production of the Plan followed the Statement of Community Involvement?

Sustainability Appraisal

2. To what extent has the Sustainability Appraisal (SA) informed the content of the Plan? Is the Council satisfied that the SA adequately summarises or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons are still valid)?

Local Development Scheme (LDS)

3. To what extent has the production of the Plan followed the LDS?
4. Is the Plan and the production of a separate Site Allocations Plan in compliance with the LDS?

Habitat Regulations

5. Has adequate consideration been given to the Habitat Regulations? Will the Plan, alone or in combination, effect adversely any Natura 2000 sites? Is Natural England (NE) satisfied with the content of the Plan?
6. Has the Council taken account of the judgement in *People over Wind, Peter Sweetman v Coillte Teoranta*?
7. Is the Plan likely to generate increased transport movements along route corridors in proximity to European sites? Please identify which European sites would be likely to be affected. How are any adverse impacts to be addressed?

N.B The Council should liaise with NE to produce a statement of common ground (SCG) in advance of the hearing sessions.

Flooding

8. Does the location of development in the Plan follow the sequential approach in line with national policy?
9. Is the Environment Agency (EA) satisfied with the content of the Plan?

N.B The Council should liaise with EA to produce a SCG in advance of the hearing sessions.

Duty to Co-operate (DTC)

General

10. Has the Council complied with the DTC in the preparation of the Plan?
11. What are the genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act?
12. Are there any outstanding concerns from adjoining authorities or other DTC bodies regarding the DTC?

Overall housing provision

13. Who has the Council engaged with in terms of overall housing provision and what form has this taken?
14. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

Overall employment land provision

15. Who has the Council engaged with in terms of overall employment land provision and what form has this taken?
16. What are the inter-relationships with other authorities in terms of economic activity, travel to work and the market for employment land and premises?

17. How have these inter-relationships been taken into account in preparing the Local Plan?
18. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of employment land provision?

Provision of sites for gypsies, travellers and travelling showpeople

19. Who has the Council engaged with in terms of the provision of sites for gypsies, travellers and travelling showpeople?
20. What co-operation has there been and when, what level have discussions taken place, what are the arrangements for ongoing dialogue and what have been the outcomes?
21. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of accommodation for gypsies, travellers and travelling showpeople?

Other matters requiring co-operation

For each of the other strategic matters

22. What are the particular issues?
23. Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
24. In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?
25. Are there cross boundary issues in relation to any of the proposed site allocations / development areas such as transport or other infrastructure requirements? If so how have they been addressed through co-operation?

N.B I note the SCG at Annexes D and E of the Duty to Cooperate statement. Annex D appears to relate to the Redbridge Local Plan and Annex E relates to transport issues only. The Council should aim to prepare SCG with all adjoining authorities for this Plan in advance of the hearing sessions.

Matter 2 – Spatial Strategy and Strategic Development Areas

Relevant Policies: Spatial Strategy and Policies 1 and 2

Issue

Whether the Spatial Strategy and policies for Strategic Development Areas are justified, effective and consistent with national policy and the London Plan.

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

1. What is the basis of the spatial strategy set out in part 5 of the Plan? What evidence supports this?
2. Is it appropriate to consider other areas for development? Have all other options been explored?
3. What is the basis for the identification of the Strategic Development Areas and the levels of growth within those areas?
4. Are the boundaries of these areas justified?
5. What evidence demonstrates that these areas will be viable and developable within the timescales envisaged?
6. How will delivery be monitored? What contingency is in place if delivery falls below expectations?
7. Are the policies otherwise positively prepared, justified, effective and consistent with national policy and the London Plan?

Matter 3 – Housing

Relevant Policy: Policies 3-10

Issue

Whether the policies for housing growth and affordable housing are justified, deliverable and consistent with national policy and the London Plan.

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

Housing requirement (Policy 3)

1. Should housing need be assessed on a London-wide basis or within the Outer North East London sub housing market area? What is the justification for the Council's approach?
2. Is the minimum housing target of 17,550 dwellings justified having regard to the aim in the London Plan to 'close the gap' to objectively assessed need?
3. What is the current timescale for the Draft London Plan 2017?
4. How will the Plan take on board any altered housing targets from the Draft London Plan once adopted?
5. In overall terms is the proposed housing requirement of 1,170 dwellings per year appropriate and justified? Should it be increased and if so on what basis?

Housing supply

6. Does the Council's Housing Position Statement (March 18) (HPS) constitute the housing implementation strategy required by paragraph 47 of the Framework? Is this robust?
7. There appears to be a discrepancy between the information relating to sources of supply in the HPS (section 5.1) and the Housing Trajectory submitted on 3 August 18. What is the explanation for this?
8. The Plan identifies a supply of housing land for the 10 year period 2016-2026 but not for the Plan period to 2031. What is the justification for this approach? Is it consistent with national policy and the London Plan?
9. What is the estimated total supply of new housing in the 10 year period 2016-2026? How does this compare with the housing target for that period?
10. What is the estimated total supply in the 10 year period from:
 - Completions since 2016
 - Existing planning permissions
 - Other commitments
 - Windfalls – are they to be included in the supply? If so, what evidence is there to support this?
 - Other sites

11. How robust is the supply from 'applications to be determined' and 'pre-application sites'? What evidence is there to demonstrate this?
12. Have all sources of supply been explored? What steps has the Council taken to demonstrate that this is the case?
13. What are the assumptions about the scale and timing of supply and annual rates of delivery from these various sources? Are these realistic? Has there been any discounting of sites with planning permission for example?
14. Are the sites relied upon for the supply of housing deliverable and developable in accordance with paragraph 47 of the National Planning Policy Framework? What evidence is there to support this?
15. Having regard to the SRQ matrix in The London Plan (Table 3.2) has the Council made reasonable assumptions about densities that can reasonably be achieved at opportunity sites given that paragraph 3.84 of the London Strategic Housing Land Availability Assessment indicates that outer London Boroughs may have to encourage higher density development to help meet their pressing needs?
16. What is the basis for the identified site capacities in Annex 1 of the Housing Position Statement? Annex 5 analyses some sites. Where will I find the analysis for the remaining sites?
17. What is the delivery against target situation at the beginning of the Plan period in 2016?
18. Has there been persistent under delivery of housing? I note that the HPS states that a 20% buffer should be provided in relation to para 47 of the NPPF? What is the justification for this?
19. In the HPS, the Council has added the 20% buffer to the housing land supply prior to adding the shortfall in delivery. What is the justification for this approach? Is it robust?
20. What would the requirement be for a five year supply accommodating any shortfall since 2016 and including the buffer added to the five year supply together with the shortfall?
21. How should the shortfall in delivery since 2016 be dealt with? Is the 'Liverpool' or 'Sedgefield' approach to be used? What is the justification for the chosen approach?
22. The HPS indicates that the Council is not able to demonstrate a 5 year supply of deliverable sites for housing, but suggests dealing with this over a 10 year period. Is this the updated Council position and, if so, what is the justification for this approach? Would this comply with national policy?
23. The latest information from the Council dated 3 August 18 states that there will be a 5 year supply on adoption of the Plan. What evidence demonstrates this?
24. How would the supply of housing sites be monitored and managed?

Other housing policies

25. Policy 4 - What is the rationale for the minimum strategic affordable housing target of 35%? Does this respond adequately to the objectively assessed need for affordable housing, the Viability Assessment and The London Plan?

26. Has the Council considered increasing the total housing figures in order to help deliver the required number of affordable homes? Is the approach likely to be effective in ensuring the affordable housing need is met? Have alternative approaches been considered?
27. Policy 5 – What is the rationale for the mix of house types? Does this respond adequately to the objectively assessed need for housing, the Viability Assessment and The London Plan?
28. Policy 6 - Does the Local Plan adequately address the needs for all types of housing (excluding affordable housing) and the needs of different groups in the community as set out in paragraph 159 of the Framework? Is this consistent with the London Plan?
29. Policy 7 - What is the justification for the introduction of the National Space Standards in Policy 7? Is this consistent with the London Plan and national policy?
30. Policies 8, 9 & 10 – are they justified, effective and consistent with national policy and the London Plan? Are they sufficiently flexible?
31. Is the detailed wording of the policies in Section 7 justified, effective and consistent with national policy and the London Plan? Are they sufficiently flexible?

Matter 4 – Gypsy and Traveller Accommodation

Relevant Policy: Policy 11

Issue

Whether the policy and site allocations for gypsies and travellers are justified, deliverable and consistent with national policy and the London Plan.

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

1. Does the Gypsy and Traveller Accommodation Assessment 2018 (GTAA) provide a robust assessment of need? Has it taken into account need identified in previous needs assessments? Have any changes in the numbers of gypsies and travellers resident in the borough since the previous assessment been justified?
2. What methodology was followed in the GTAA? Is this justified?
3. Are the assumptions for new household formation rates justified?
4. What is the evidence which leads to the figure for concealed households / doubling-up / overcrowding on some sites?
5. What is the justification for applying a 10% rate to unknown households to assess how many may meet the definition of a gypsy or traveller in Planning Policy for Traveller Sites (PPTS)?
6. I note the discussion at pages 127 & 128 of the Outer North East London SHMA. Does this constitute an assessment of need under Section 124 of the *Housing and Planning Act 2016*? Is this positively prepared, justified and will it be effective?
7. Should the Plan provide for the identified need for 102 pitches for unknown households? What is the justification for the Council's approach?
8. What is the justification for the Council's approach in relation to transit sites?
9. Does the Plan identify a supply of sites in accordance with PPTS?
10. Are the allocated sites likely to be deliverable at the point envisaged? Are the expected pitch numbers clear for each site? What evidence justifies the number of pitches on each site? What justifies the setting of maximum pitch numbers for each site? Will the site allocations be effective in meeting the identified need? What contingency measures are there if any of the sites fails to come forward as anticipated?
11. Are the sites to be removed from the Green Belt? If they are to remain in the Green Belt, how will subsequent planning applications be considered having regard to the statement in PPTS that gypsy sites are inappropriate development in the Green Belt and that personal circumstances and unmet need are unlikely to clearly outweigh harm to

the Green Belt and any other harm so as to establish very special circumstances?

12. Are there existing sites in the borough which are not proposed to be allocated? If so, where will the families currently living on those sites relocate to?
13. Is Policy 11 positively prepared and are the criteria for the allocated sites and for any other sites to come forward justified, effective and consistent with national policy?

Matter 5 - Green Belt

Relevant Policy: Policy 3

Issue

Whether the Plan's approach to development within the Green Belt is positively prepared, justified, effective and consistent with national policy.

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

1. How has the Council had regard to paragraphs 81, 83 and 84 of the Framework in considering the need to plan positively to enhance the beneficial use of the Green Belt and in relation to Green Belt boundaries?
2. The 2016 Green Belt study does not conclude whether Green Belt boundaries need to be changed (para 3.6.5). What is the justification for this approach? Has the Council considered the alternative approach of undertaking a review of the boundaries? If not, what is the justification for this approach?
3. The 2018 Green Belt study assessed a number of sites against various criteria. Are the findings of the study appropriate and justified?
4. Is it the intention that the two previously developed sites at paragraph 7.1.12 of the Plan are to remain in the Green Belt or is the Green Belt boundary to be altered to exclude these sites? How is allocation of these sites to be made?
5. If the sites are to remain in the Green Belt, how would development on these sites be considered having regard to paragraph 90 of the Framework? Has the assessment of the capacity of the sites taken account of the need to ensure that development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, as per paragraph 90 of the Framework?
6. The Plan does not include any policies for the Green Belt. Is this appropriate and justified?

Matter 6 – Economy and Employment

Relevant Policy: Policies 1 & 2 (Commercial development), Policies 19, 20, 21 & 22

Issue

Whether the Plan's approach to economic development and employment is positively prepared, justified, effective and consistent with the London Plan and national policy.

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

1. What is the basis for the strategy for economic growth set out in the Plan? Is it justified and consistent with the London Plan and national policy?
2. What is the Council's position on the Objectively Assessed Need (OAN) for employment land? What is the basis for this? Will the Plan provide for the identified need?
3. What is the basis for designation of Strategic Industrial Locations and Locally Significant Industrial Sites? Are the boundaries justified?
4. What is the basis for the requirement for affordable workspace to be provided under Policy 21?
5. Are the policies justified and consistent with the London Plan and national planning policy? Will they be effective?

Matter 7 – Town Centres and Communities

Relevant Policy: Policies 12 -18

Issue

Whether the policies relating to town centres and the other policies relating to thriving communities in Section 8 are justified, consistent with national policy and in general conformity with the London Plan? Will they be effective?

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

Retail and town centres (Policy 13)

6. What is the evidence in terms of additional capacity for retail and other main town centre uses? Is there a need for additional floorspace and if so, how and where is it intended to provide for this?
7. What is the basis for the definition of the retail hierarchy set out in Policy 13 and Map 1? Is it appropriate and justified?
8. What is the basis for the definition of primary and secondary retail frontages and percentages of uses within those frontages? Are they appropriate and justified?
9. What is the basis for the thresholds for requiring impact assessments in Policy 13 and are they justified?

Policies 12, 14-18

10. What is the basis for each policy and what is it seeking to achieve?
11. How does the policy relate to the evidence base?
12. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?
13. How will the policy be implemented? Is this clear?
14. Is the policy sufficiently flexible? Would it allow for specific circumstances and the effect on viability to be taken into account?
15. How does the policy relate to national policy and to the London Plan?
16. In overall terms is the policy justified and will it be effective?

Matter 8 – Connections

Relevant Policy: Policies 23, 24 & 25

Issue

Whether the policies relating to transport, parking and the other policies in Section 10 are justified, consistent with national policy and in general conformity with the London Plan? Will they be effective?

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

Policy 23

1. What are the likely impacts of the proposed scale and distribution of development on transport infrastructure? How have these been assessed?
2. How is it intended to address impacts on existing transport infrastructure and the need for new or improved infrastructure?
3. What specific improvements are proposed or will be required? What is the likely cost? How will they be brought forward and funded?
4. Is there a need to include any additional specific transport infrastructure projects in the Local Plan?
5. How will the provision of transport infrastructure be related in terms of timing /phasing to development proposals / areas?
6. How will other agencies and organisations be involved? What level of commitment/agreement is there?
7. Is policy 23 relating to transport connections justified, effective and consistent with national policy and the London Plan?

Policy 24

8. What is the basis for the policy and what is it seeking to achieve?
9. How does the policy relate to the evidence base?
10. How have the concerns of the GLA been taken on board? How should any non-conformity with the London Plan be considered?
11. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?
12. How will the policy be implemented? Is this clear?
13. Is the policy sufficiently flexible? Would it allow for specific circumstances and the effect on viability to be taken into account?
14. How does the policy relate to national policy?
15. In overall terms is the policy justified and will it be effective?

Policy 25

16. What is the basis for the policy and what is it seeking to achieve?
17. How does the policy relate to the evidence base?
18. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?
19. How will the policy be implemented? Is this clear?
20. Is the policy sufficiently flexible? Would it allow for specific circumstances and the effect on viability to be taken into account?
21. How does the policy relate to national policy and to the London Plan?
22. In overall terms is the policy justified and will it be effective?

Matter 9 – High Quality Places

Matter 10 – Green Places

Matter 11 - Minerals

Relevant Policy: Policies 26-39

Issue

Whether the policies relating to High Quality Places in Section 11, Green Places in Section 12 and Minerals in Section 13 are justified, consistent with national policy and in general conformity with the London Plan? Will they be effective?

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

For each policy in Section 11, Section 12 and Section 13:

1. What is the basis for each policy and what is it seeking to achieve?
2. How does the policy relate to the evidence base?
3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?
4. How will the policy be implemented? Is this clear?
5. Is the policy sufficiently flexible? Would it allow for specific circumstances and the effect on viability to be taken into account?
6. How does the policy relate to national policy and to the London Plan?
7. In overall terms is the policy justified and will it be effective?

Matter 12 – Infrastructure, implementation and monitoring

Relevant Policy: Section 14

Issue

Whether the approach to infrastructure delivery, implementation and monitoring is justified, consistent with national policy and in general conformity with the London Plan?

Note: questions relating to transport infrastructure are included under Matter 8

Questions

In responding to these questions the Council should identify and address specific concerns raised in representations

Infrastructure

1. What are the likely impacts of the proposed scale and distribution of development on different aspects of infrastructure (excluding transport)? How have these been assessed?
2. How is it intended to address impacts on existing infrastructure and the need for new or improved infrastructure?
3. What specific improvements are proposed or will be required? What is the likely cost? How will they be brought forward and funded?
4. Is there a need to include any additional specific infrastructure projects in the Local Plan?
5. How will the provision of infrastructure be related in terms of timing/phasing to development proposals / areas?
6. How will other agencies and organisations be involved? What level of commitment/agreement is there?

Implementation / monitoring

7. How would the implementation of the Local Plan policies and proposals be achieved? What mechanisms are there to assist development sites to come forward/progress?
8. How would the implementation of the Local Plan be monitored? Would it be effective? How would the results of monitoring be acted upon, for example what would trigger a review of the Local Plan?

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24 August 2018