Newham Local Plan Review Examination

Matters, Issues and Questions Discussion Note

Introduction

These notes provide a summary of the matters and issues identified by the Inspector in the form of questions, and they will form the basis of the Examination Hearings which commence on **Tuesday 19 June 2018** in Room WG06 of London Borough of Newham’s Dockside Offices, 1000 Dockside Road, London E16 2QU. These questions may be refined in the light of the Inspector’s consideration of the Hearing Statements received prior to the Examination Hearings.

Please note that the word limit for further statements is 3,000 per matter (excluding supporting information, such as Appendices). Some flexibility, however, will be given to the Council, who will be expected to respond on all the Inspector’s questions as well as the Hearing Statements made by other parties.

Matter 1: Legal Requirements, Scope of the Plan & Duty to Co-operate

Matter 2: Sustainability Appraisal and Habitats Regulations Assessment

Matter 3: Vision and Spatial Strategy

Matter 4: Successful Places

Matter 5: The Economy and Employment Provision

Matter 6: Homes

Matter 7: Infrastructure

Matter 8: Transport

Matter 9: Environment

Matter 10: Community facilities

Matter 11: Development Management, Risks & Monitoring

Matter 12: Spatial Policies and Sites
Matter 1 - Legal Requirements, Scope of the Plan & Duty to Co-operate

1.1 Legal Requirements: Does the Newham Local Plan Review (hereafter referred to as the Plan) meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; the London Plan and Local Development Regulations, 2012)?

1.2 Scope of the Plan: Does the scope of the Plan accord with the strategy, objectives and policies of the London Plan? What account, if any, should the Plan give to the emerging Draft London Plan, especially in view of the Mayor of London’s comments that any policies that diverge from the Draft London Plan will become out-of-date as the Draft London Plan gains more weight as it moves towards publication?

1.3 Duty to Co-operate (DTC): Has the Council fulfilled its duty under Section 33A of the Act, so as to maximise the effectiveness of the plan making process when planning for strategic matters that cross administrative boundaries. Within this context:

(i) Has the Council worked collaboratively with other authorities and organisations during plan preparation on strategic planning matters that cross administrative boundaries? [A critical factor is that the duty to co-operate (DTC) is incapable of modification at the Examination stage].

(ii) Has the Council worked or liaised with the relevant bodies set out in the national Planning Practice Guidance (PPG)? How has the Council also co-operated with the relevant Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs)?

(iii) What particular outcomes can the Council point to in relation to DTC?

Matter 2 - Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)

2.1 Spatial Strategy: Is the spatial strategy supported by the SA and the HRA?

2.2 Reasonable alternatives: Have reasonable alternatives been considered in the SA? Is there a clear audit trail from the consideration of option to the preferred strategy in the Plan?

2.3 Mitigation: Which adverse effects identified by the SA and HRA require significant mitigation, and how is the Council addressing these issues, for example in relation to the Epping Forest Special Area of Conservation (SAC)?
Matter 3 - Vision and Spatial Strategy

3.1 Overall Vision: Are the overall strategic principles and vision-based spatial strategy of the Plan, including the focus on the Arc of Opportunity, and overall design criteria, as set out in policy S1 and the supporting text, based on a sound assessment of Newham’s demographic and socio-economic needs, environmental characteristics, existing and proposed infrastructure and relationships with neighbouring areas, in accordance with national planning policy and the London Plan?

3.2 Spatial policies:

(i) In the light of the requirements in the Framework for clear policies on what will be permitted and where (paragraph 154), is the level of detail shown on the Policies Map and the Maps for each of the main areas (Stratford and West Ham; Royal Docks; Canning Town; Beckton; and Urban Newham, including the Arc of Opportunity), appropriate?

(ii) Are policies S2-S6, justified, effective and consistent with national policy?

(iii) Does policy S1 address or build on the concept of Opportunity Areas, and tie in closely with the GLA’s vision for these areas?

3.3 Neighbourhood Plans: Should the Plan provide strategic guidance on the preparation and content of Neighbourhood Plans in Newham?

Matter 4 – Successful Places

4.1 Quality of Design: Are the Successful Places policies (SP1-6) justified and sufficiently robust to meet not only existing challenges but those which could arise from the likely intensification of development over the plan period? Do they accord with the national core planning principles, as expressed in paragraph 17 of the Framework?

4.2 Tall Buildings: Is policy SP4 justified, in particular:

(i) Is the policy definition of tall buildings to be “of 6 or more storeys” appropriate for Newham? If not, what is an appropriate and justified definition for tall buildings in Newham?

(ii) Is the general focus of the Plan to enable the highest buildings in certain town centre locations, such as parts of Stratford Metropolitan Town Centre the Arc of Opportunity and Urban Newham, appropriate?

(iii) Should the policy be extended to other places with good public transport access?
(iv) Should the heights of tall buildings be subject to a more flexible/less prescriptive interpretation, such as a range of heights; for example, should each tall building proposal be determined through a set of parameters and/or a masterplan?

(v) How valid are the concerns that tall buildings cause alienation, or is this a matter that can be overcome by sensitive design?

(vi) Is the tall buildings matrix (Table SP.A) still required or is it superfluous?

4.3 **Successful Town and Local centres:** Are policies INF5 and SP6 justified, effective and in accordance with national policy, for example as expressed in section 2 of the Framework? In particular:

(i) Is there a need for greater locational and/or qualitative guidance for retail development within or adjacent to town centre or elsewhere?

(ii) Should the Plan provide more detail on the quantum and location(s) of comparative and convenience retail provision for the plan period, e.g. for the Gallions Reach Shopping Park (set out in policy INF5.2.i)? Should the Plan set any quantitative parameters for the growth/consolidation of Stratford town centre? What is the definition of a major town centre?

(iii) Does the Plan provide sufficient guidance to deliver a successful visitor and night time economy?

(iv) Should the Plan make provision for a specific quantum or range of retail floorspace in the town and local centres which would be deliverable within the plan period?

(v) Does policy SP9.e effectively address the cumulative impact of hot-food takeaways? Is there a need for more detailed criteria to make the policy effective and consistent in its application across Newham?

**Matter 5 – The Economy and Employment Provision**

5.1 **Economic Growth and Job Growth:** Are the forecast job growth figures for the Borough realistic?

5.2 **Future Employment Development:**

(i) Is the economic strategy in policy J1 sufficient to meet Newham’s employment needs over the plan period? Does it accord with the requirements in the Framework for clear policies on what will be permitted and where (paragraph 154)?
(ii) Should the re-designation of industrial land to mixed use have a more precise expectation of uses, and in particular retention of employment space (perhaps by percentage)? Is there a danger of such schemes becoming residential-led to the extent that other uses are priced out?

5.3 Housing/employment Balance:

(i) How well related are the Plan’s housing provision and the provision of land and sites for jobs within the likely economic context over the plan period?

(ii) Should the Council aim to achieve a measure of self-containment by the end of the plan period, and if so, should this be included in the Plan?

(iii) Is there a balance between housing provision and maintaining an adequate supply of employment land?

5.4 Providing for Efficient Use of Employment Land:

(i) Is policy J2 justified in its protection of Strategic Industrial Locations (SIL) / employment land and in its managed release of land to other uses, e.g. through its ‘agent of change’ principles in order to achieve an effective buffered transition between residential and traditional industrial uses? Is the onus on developers of released SIL to accommodate their designs to pre-existing industrial neighbours, rather than vice versa, (which is my understanding of para 3.a), justified and would this policy be effective in achieving neighbourliness and eliminating complaints from noise-sensitive developments? Does this policy set out an effective template for overcoming conflict between neighbouring uses, or is it overly onerous and restrictive?

(ii) In the light of the planned/projected increases in housing numbers in Newham over the plan period (and the accompanying increase in economically active residents), what is the justification for releasing large amounts of employment land?

(iii) What is meant by “rationalisation of safeguarded wharves”? is this strategy justified in the light of projected growth in seaborne trade through the Port of London?

(iv) In the light of the requirement in paragraph 22 of the Framework, is the marketing period of at least 12 months prior to the release of land solely to residential use backed by robust evidence and does it accord with national policy?

5.5 Skills and Access to Employment: Is policy J3, which aims to secure 35% of all construction phase jobs and 50% of all post construction (end user jobs) for Newham residents justified? How realistic is this policy to implement? What would be its likely impact on the local economy?
Matter 6 – Homes

6.1 Overall housing need for Newham: Policy H1 provides for a net increase of at least 43,000 new homes in Newham over the period 2018-2033, i.e. 2,867 dpa. This figure accords with the adopted London Plan, which makes provision for a minimum of 19,945 new homes over the period 2015-2025 (i.e. 1,994 pa, which rolled over to 2030, produces a figure of 43,868 homes). The emerging Draft London Plan, however, proposes a higher housing target for Newham of 3,850 dpa, based on more recent assessments of housing need. Given the dramatic increase in housing need for Newham which is set out in the emerging Draft London Plan and with reference to section 6 of the Framework:

(i) Does the submitted Plan accord with the Government’s prioritisation of the delivery of new homes, as expressed in its recent White Paper, or is the Plan unnecessarily cautious in terms of housing delivery??

(ii) Should the overall housing need figure for Newham remain as set out in the submitted Plan, in accordance with the provision of the adopted London Plan; and/or

(iii) Should the housing provision in the Plan be subject to an early review as soon as the emerging London Plan is adopted?

6.2 Overall provision of housing for Newham: Does the Plan provide sufficient evidence to demonstrate that the 43,000 homes total can be implemented over the plan period, i.e. that the Plan is realistic? If not, is there an argument for greater intensification, e.g. in areas of previously developed land (PDL) and other areas of opportunity?

6.3 Five Year Housing Land Supply: With reference to paragraph 47 of the Framework:

(i) Would the Plan at adoption be able to demonstrate that it has a five year supply of specific deliverable sites sufficient to provide five years’ worth of housing?

(ii) What are the key assumptions/parameters which the Plan has relied on to calculate its 5 years housing land supply (HLS), such as whether it assumes a 5% or 20% buffer and whether the buffer should be factored in for just the first 5 years or for the plan period as a whole?

(iii) What are the component sources of the Plan’s housing supply?

6.4 Affordable Housing: with reference to Newham’s housing needs:

(i) Is policy H2 justified and effective, for example in what it means by AH, as well as in relation to its overall AH percentage (50%) target and its
proposed tenure mix and viability requirement? Should provision be made for a more flexible tenure split where schemes exceed 35% AH?

(ii) Should AH be calculated by habitable room?

6.5 **Family Housing:** Is the 39% target for family housing on sites of 10+ dwellings justified and realistic? Should the target be more flexible, for example set out as a range, and should the definition of family housing include 2 bed properties?

6.6 **Specialised Housing:**

(i) Does policy H3 adequately cover the range of specialist accommodation needs to Newham, including student accommodation, housing for older people and other vulnerable groups and houses in multiple occupation?

(ii) What is meant by “cumulative impact hotspots” (policy H3.2.f, and is there a need for a policy to set out principles to safeguard residents’ living conditions, e.g. privacy, noise and disturbance, outlook and overshadowing?

6.7 **Gypsies and Travellers:** In the light of the Inspector’s Report into gypsy and traveller accommodation (June 2017), is there any further matter this Plan should address?

Matter 7 – Infrastructure

7.1 **Waste and Recycling:** Is policy INF3 justified and realistic, especially in relation to:

(i) The waste site allocation at Beckton Riverside (policy INF3.2.b);

(ii) The East London Waste Plan, for example in terms of safeguarding of land for a future waste facility;

(iii) Whether waste sites should specifically refer to air quality in its coverage of impacts on residential living conditions (policy INF.1.a); and

(iv) Its prioritisation of rail and water transport for waste transport over the use of the principal road network – is there sufficient rail capacity for this to be implemented without adverse impacts on existing rail use? (policy INF3.1.a.ii).

7.2 **Utilities Infrastructure:** Is policy INF4 justified and realistic, and in particular in relation to:

(i) Whether the policy is effective enough to meet the concerns of providers such as Thames Water, to require developers to demonstrate that adequate water supply and waste water infrastructure capacity exists
both on and off site to serve the proposed development and not adversely affect other users (policy INF43.a); and

(ii) Whether the policy stance on decentralised energy generation is sufficiently detailed (policy INF.1.c).

7.3 **Green Infrastructure (GI) and the Blue Ribbon Network:** Is the policy justified and effective, especially in relation to:

(i) Whether the policy effectively addresses the need to protect and enhance the GI (policy INF6.1.a); and

(ii) Whether the policy provides an effective context for the remediation of gasholders and activation of MOL.

7.4 **Infrastructure Delivery:** With reference to the Council’s Infrastructure Delivery Plan (IDP) and policy INF9:

(i) Do policy INF9 and the Infrastructure Delivery Plan (IDP) provide sufficient guidance for the successful implementation of the Plan?

(ii) Which schemes are critical to the successful implementation of the Plan? Are these schemes viable? Are there any show stoppers?

(iii) What is the relationship between the Plan and the Local Enterprise Partnerships (LEPs) in terms of investment priorities and the provision of critical infrastructure?

(iv) Does the Plan provide the necessary strategic guidance to guide the preparation of the next Community Infrastructure Levy (CIL), including identifying the infrastructure gap which CIL would help to bridge?

**Matter 8 – Transport**

8.1 **Strategic Transport:** Is policy INF1 justified, effective and consistent with national policy as expressed in section 4 of the Framework, and in particular with regard to:

(i) Whether the major schemes outlined in the strategic networks listed under policy INF.1.b are realistic, i.e. either programmed or likely to be implemented within the plan period, or whether they are aspirational?

(ii) Whether the proposed river crossings would be designed to allow for the full range of river uses to continue, especially for large sea-going vessels?

(iii) Whether the proposed safeguarding of land for DLR depot expansion is realistic?
(iv) Does the evidence point to the DLR and/or other public transport modes having sufficient capacity to accommodate peak hour flows if the proposed development comes to fruition during the plan period?

(v) Are all the key linkage/connectivity issues addressed in the Plan?

8.2 Sustainable Transport: Is policy INF2 justified, effective and consistent with national policy? In particular:

(i) Should there be a presumption in favour of car-free developments in areas with a high PTAL, in line with the Draft London Plan?

(ii) Should the Plan set modal shift targets to promote sustainable transport?

(iii) Are parking and access issues in the town centre properly addressed in the Plan?

Matter 9 – Sustainability and Climate Change

9.1 Environmental Resilience: Is policy SC1 justified, realistic and consistent with national policy as expressed in section 10 of the Framework? Is there a need for the Plan to include a policy on construction and demolition waste, avoidance/recovery during construction, and aggregate recycling facilities?

9.2 Energy and Zero Carbon: Does policy SC2 achieve the right balance between effectiveness and aspiration?

9.3 Flood Risk: Should policy SC3 be more specific on which parts of Newham are precluded from development on grounds of flood risk? How effective is the requirement for development to be set back 16 metres from tidal flood defences and 8 metres from river defences in achieving flood protection?

9.4 Biodiversity: Should policy SC4 have a specific target for enhancing biodiversity?

9.5 Air Quality:

(i) Does policy SC5 strike a realistic focus on enhancing air quality?

(ii) Does it adequately address the findings of the HRA screening report on environmental impacts on Epping Forest arising from traffic and development?
Matter 10 – Community Facilities

10.1 Community Infrastructure:

(i) Is policy INF8 sufficiently comprehensive in its coverage of all key aspects of community infrastructure and services, and does it establish a robust basis for implementation?

(ii) Is the policy sufficiently flexible and consistent with national policy to set a framework for achieving the delivery of facilities and services to the community, as expressed in section 8 of the Framework?

(iii) Should the Plan include clear development allocations for schools and key community health facilities?

Matter 11 – Development Management, Risk and Monitoring

11.1 Development Management: Does policy SP8 provide sufficient guidance to cover new development aspects, such as high design quality and impact on living conditions for future occupiers and neighbouring residents?

11.2 Risk: Overall, does the Plan take sufficient account of uncertainties and risks? How flexible is it?

11.3 Monitoring: How effective will the monitoring arrangements be?

Matter 12 – Spatial Policies and Sites

12.1 Policies Map: Do the site allocation policies pay adequate regard to the site context, including for example the need to maximise housing densities at transport hubs, and the need to enhance or maintain the character and appearance of Conservation Areas?

12.2 Other soundness Issues: Are there any other soundness issues relating to specific sites in Newham?

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