



The Planning Inspectorate

Report to London Legacy Development Corporation

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an Inspector 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 Legacy Development Corporation Revised Local Plan

The Plan was submitted for examination on 8 March 2019

The examination hearings were held between 17 and 20 September 2019

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Abbreviations used in this report

AA	Appropriate Assessment
AH	Affordable Housing
AMR	Authority Monitoring Report
B2	B2 Use Class – General industrial
B8	B8 Use Class – Storage or distribution
C2	Use Class C2 – Residential institutions
C3	Use Class C3 – Dwelling houses
CIL	Community Infrastructure Levy
CJEU	Court of Judgment of the European Union
DTC	Duty to Co-operate
dpa	dwellings per annum
GLA	Greater London Authority
GCNP	Greater Carpenters Neighbourhood Plan
GI	Green Infrastructure
ha	hectare
HBF	Home Builders’ Federation
HMO	House in Multiple Occupation
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
IIA	Integrated Impact Assessment
KPI	Key Performance Indicator
LB	London Borough
LLDC	London Legacy Development Corporation
LVMF	London View Management Framework
MHCLG	Ministry of Housing, Communities and Local Government
MIQ	Matters Issues and Questions (Note issued by Inspector)
MM	Main Modification
MOU	Memorandum of Understanding
NP	Neighbourhood Plan
OAN	Objectively assessed need (for housing)
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PTAL	Public Transport Accessibility Level
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCG	Statement of Common Ground
sm	square metres
<i>The Framework</i>	National Planning Policy Framework (Also Known As NPPF)

Contents	page
Non-Technical Summary.....	4
Introduction.....	5
Assessment of Duty to Co-operate.....	6
Assessment of Soundness.....	7
Issue 1 - Overall vision and spatial strategy.....	7
Issue 2 – Sustainability Appraisal and Habitats Regulation Assessment.....	9
Issue 3 – Economic strategy.....	10
Issue 4 – Housing provision and community enhancement.....	13
Issue 5 – Built and natural environment.....	24
Issue 6 – Transport and other infrastructure.....	27
Issue 7 – Delivery and implementation framework.....	28
Assessment of Legal Compliance.....	29
Overall Conclusion and Recommendation.....	30

Non-Technical Summary

This report concludes that the London Legacy Corporation Revised Local Plan provides an appropriate basis for the planning of the London Legacy Development Corporation, provided that a number of main modifications [MMs] are made to it. The London Legacy Development Corporation has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

Summary of Main Modification(s)
Clarifying circumstances where planning applications need to be accompanied by a Project Level Habitats Regulation Assessment (HRA) .
Clarifying protection of waterways in relevant policies.
Including improvements to Stratford Railway Station .
Including a definition of the Agent of Change principle in the Glossary, together with additional clarification regarding its application in policy, especially in relation to the continuing operation of employment uses in Strategic Industrial Land (SIL) .
Including a revised and updated housing trajectory , divided into permitted, allocations and windfalls.
Updating the number of new homes which the Plan expects to deliver over the plan period both up to the end of 2019 and between 2020 and 2036.
Clarifying housing data , including number of bedspaces per single home; monitoring non-self-contained housing; and affordable housing thresholds.
Clarifying impacts on living conditions , to include factors in addition to noise.
Clarifying community aspects of the Plan.
Including a definition of Neighbourhood Plans in the Glossary and in explanatory text.
Clarifying provision of specialist older persons accommodation .
Clarifying the options for the development of the Greater Carpenters Neighbourhood Area .

Introduction

1. The LLDC was set up immediately after the London Olympic and Paralympic Games in 2012, and its local planning authority area covers parts of four London Boroughs (Hackney, Newham, Tower Hamlets and Waltham Forest). Its remit is to maximise the legacy of these games over a fixed period before the four above-mentioned London Boroughs take back their full powers and responsibilities as local planning authorities and the LLDC is wound up.
2. This report contains my assessment of the London Legacy Development Corporation Revised Local Plan in terms of Section 20(5) of the Planning & 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 sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2019 (*The Framework*) (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The London Legacy Development Corporation Revised Local Plan, submitted in March 2019, is the basis for my examination. It is not the same document as was published for consultation in September 2018¹. The consultation on the Plan started in November 2018.
4. There are a few differences between the consultation and submitted documents, both of which were consulted on in accordance with Regulation 19 of the Local Plan Regulations 2012 (as amended). The latter document includes major changes in the Schedule of Changes Document², which underwent a full consultation process which I probed into at the examination hearing sessions.
5. The major changes to the Plan focus on a Policies Map extension of East Village town centre boundary, policies for waterway and ground water protection, an extension of the site allocation boundary for policy SA2.4 (Chobham Farm North) to include the whole land which was previously included as Zone 5 of the Chobham farm development and already has extant permission, plus changes to policy BN.11 and supportive text regarding the need for requiring Project Level Habitats Regulations Assessment (HRA) Appropriate Assessments where European Sites might be adversely affected by an impact pathway from sites within the LLDC area to a number of European Sites located relatively closely to the LLDC boundaries.

Main Modifications

6. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted.

¹ Revised Local Plan: Early Engagement Consultation Report; September 2018 [Examination Document LD10].

² Revised Local Plan: Schedule of Changes; March 2019 [Examination Document LD20].

My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearing sessions, 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. I have, of course, considered all the comments made in response to the MMs which relate to soundness.

Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Development Corporation complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
8. The Corporation's Duty to Cooperate (DTC) Statement³ sets out the legislative and policy context to the DTC, as well as the formal cooperation requirements, and a summary of the meetings held with statutory DTC authorities and organisations. It then looks at all the key policy areas in relation to cross-boundary issues, including consultation and progress on infrastructure delivery. Finally, the Corporation's evidence includes appendices covering a Memorandum of Understanding (MOU) between the London Legacy Development Corporation (LLDC) and the relevant London Boroughs, a separate waste planning MOU with the North London Boroughs Waste Planning Group, and a waste planning MOU between the LLDC and the London Borough of Tower Hamlets.
9. In addition, there has been engagement with the Local Economic Partnership and the Local Nature Partnership through the Greater London Authority (GLA).
10. It is clear that the LLDC has been diligent and thorough in its procedures and activities under DTC. On the basis of the above evidence, I am satisfied that where necessary, the Development Corporation has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DTC has therefore been met.

Assessment of Soundness

Background

Main Issues

11. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing sessions, I have identified seven main issues upon which the soundness of this 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.

³ LLDC: Local Plan Background Paper: Duty to Cooperate; October 2018 [Examination Document TBP8].

Issue 1 – Overall Vision and Spatial Strategy

Is the Plan, including its overall vision and spatial strategy, for the period to 2036, positively prepared, justified, effective and in general conformity with the London Plan and national policy?

(i) Scope of the Plan

12. The scope of the Plan, including its positive stance towards development, is set out in policy SD1 (Sustainable Development), which commits the LLDC to reflect the presumption in favour of sustainable development, and to work proactively with applicants jointly to find solutions, to secure development that improves the economic, social and environmental conditions in the area.
13. Policy SD1 is a 'headline' policy, which is supported by five strategic policies, SP1-5. These policies set out the strategic framework for a strong and diverse economy; housing and infrastructure provision within the context of new neighbourhoods; integrating the natural, built and historic environment; supporting transport infrastructure to support growth and convergence; and working towards the LLDC area being a sustainable and healthy place to live and work.
14. These strategic area-wide policies are in turn supported by a set of vision statements for each of the four sub-areas (Sub Area 1 – Hackney Wick and Fish Island; Sub Area 2 – North Stratford and Eton Manor; Sub Area 3 – Central Stratford and Southern Queen Elizabeth Olympic Park; and Sub Area 4 – Bromley-by-Bow, Pudding Mill, Sugar House Lane and Mill Meads), together with a number of Site Allocations.
15. A suggested change is necessary in the Glossary, to amend the definition of the Agent of Change principle to extend the definition of nuisance to considerations in addition to noise **[MM15]**. This ensures the effectiveness of the Plan in the important areas of safeguarding existing and future living and working conditions and ensuring that local employment areas are not unnecessarily restricted in their effectiveness, for example in terms of innovation and competitiveness. The inclusion of social as well as community infrastructure in the Glossary **[MM16]** is also necessary to ensure the Plan is effective in reaching out across the wide range of social infrastructure considerations.

(ii) Relationship with the London Plan

16. The strategic thrust of the Plan aligns with the emerging London Plan, which must now be afforded significant weight in view of its advanced stage of preparation⁴. There are no major areas of disagreement between the two plans, and I am satisfied that the Plan builds on the Mayor's Olympic

⁴ The final Inspectors' Report was sent to the GLA on 8 October 2019.

Legacy⁵. Furthermore, the GLA has issued a statement of conformity with the existing adopted London Plan⁶, and has also indicated its support for the proposed main modifications⁷. There are therefore no conformity issues in relation to either the emerging or existing adopted London Plan.

(iii) Relationship with Neighbourhood Planning

17. It is important that the relationship between the Plan and any Neighbourhood Plans (NPs) is clearly understood, so as to prevent duplication, minimise potential conflict and cut out unnecessary expenditure. Modifications **MM17 & 18** define a NP and its status, both in the Glossary and in the explanatory text. These MMs address the reasons set out above and ensure that the Plan is positively prepared and is consistent with national policy.
18. A key consideration which was discussed at the hearing sessions is the relationship between the Plan and the emerging NP for the Greater Carpenters area, and I deal with this under Issue 4 below.

Issue 1 - Conclusion

19. Subject to the above modifications, I conclude that the Plan, including its vision and spatial strategy for the period up to 2036, is positively prepared, justified, effective and in general conformity with the emerging London Plan and national policy.

Issue 2 – Sustainability Appraisal and Habitats Regulation Assessment

Is the spatial strategy of the Plan supported by the Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)?

20. The Sustainability Appraisal (SA) is contained within the submitted Integrated Impact Assessment (IIA)⁸, which also includes the Habitats Regulation Assessment (HRA). The IIA sets out the options which led to changes in policies and allocations from the adopted Plan and shows a clear audit trail leading to the preferred strategy for the Plan. The IIA also shows a similar process in relation to the HRA Appropriate Assessment (AA). I am also satisfied from the evidence that the SA and HRA methodology and conclusions are justified.
21. In considering whether there are any adverse effects identified by the SA or HRA which require significant mitigation, for example in relation to the Epping Forest Special Area of Conservation (SAC), it is clear from the Council's response that the only identified sites within the HRA AA Report where this is relevant are three sites which lie outside the LLDC boundary,

⁵ Mayor of London's Olympic Legacy Supplementary Planning Document; 2012.

⁶ Statement of Conformity with the London Plan [Examination Document LD19].

⁷ GLA Response to Main Modifications; 21 February 2020 [Examination Document LPRM11].

⁸ Integrated Impact Assessment (IIA); 2018 [Examination Document LD8]; and IIA Non-Technical Summary [Examination Document LD9].

including the Epping Forest SAC. Main modifications **MM4-6** are necessary to identify the need, in particular circumstances, for planning applications to be accompanied by a Project Level HRA. This is necessary for the Plan to be consistent with national policy, and the requirements of the Sweetman 2 Judgment in the European Court of Justice (CJEU)⁹. In brief, these modifications increase the means of protection for the identified European sites, for example in relation to air quality and water abstraction.

22. The LLDC commissioned an IIA and AA Addendum Report¹⁰, which sets out a comprehensive review of all the published main modifications in the light of the earlier IIA and HRA screening exercises. It concludes that the proposed modifications to the Revised Local Plan are unlikely to result in any new or different significant effects, and that the conclusions of the IIA and AA remain unchanged and valid. I have no evidence to challenge this conclusion.

Issue 2 - Conclusion

23. Based on the above considerations, I conclude that the spatial strategy of the Plan is supported by the SA and HRA. Furthermore, I am satisfied that all reasonable alternatives have been adequately considered through the IIA and that, subject to the above modifications, the Plan is justified, and is consistent with national policy.

Issue 3 – Economic Strategy

Does the Plan set out a positively prepared, justified, effective and sustainable economic strategy for the development of business growth to meet the area's employment needs over the plan period?

- (i) *Does the economic strategy set out in Objective 1 (increase prosperity in East London), strategic policy SP1 (building a strong and diverse economy) and policies B1-B6 set out a sound framework for meeting the employment needs of the LLDC area over the plan period?*

24. The job forecasts for the LLDC area are based on four scenarios, which are set out in the Development Corporation's Economic Study¹¹. They forecast a range of 12,500-33,000 new jobs between 2016 and 2036. Table 2 of the Plan also sets out direct jobs from proposals within the area based on data taken directly from planning applications and permissions. Given this information and the subsequent uplift in investment from key schemes, I consider that the London Growth and Higher Growth scenarios (scenarios 2 and 4 in Table 7.2 of the economic study, as opposed to growth following the past trend (scenario 1) or business as usual (scenario 3)) are realistic

⁹ In April 2018, The European Court of Justice (CJEU) issued a controversial decision in the case of People over Wind, Peter Sweetman v Coillte Teoranta (C-323/17). The ruling confirmed that proposed mitigation measures cannot be taken into account for the purposes of screening under the UK Habitats Regulations, which give effect to the EU Habitats Directive (92/43/EEC).

¹⁰ Ove Arup & Partners Ltd: LLDC: London Legacy Development Corporation Local Plan-IIA and AA Addendum; 7 January 2020.

¹¹ LLDC Combined Economy Study Part A (i) – Employment Land Review; 2018 [Examination Document LEB3].

and achievable, and that the framework for the overall economic strategy of the LLDC is justified.

(ii) *Does the Plan achieve a sustainable and harmonious balance between enabling economic growth to prosper within the context of promoting the intensification of development and securing satisfactory living conditions for all who live and work in the area?*

25. One of the key challenges of the Plan is to achieve a satisfactory balance between intensification of development without the erosion of living and working conditions. Development intensification is viewed as an ideal way of capitalising on the area's almost unequalled accessibility (as demonstrated by its very high public transport accessibility level (PTAL) scores), and its legacy of excellent facilities, (including the stadium, parks, sports areas and the Stratford regional shopping centre). This is also a response to the strategic policy direction of the adopted London Plan (and even more so of the emerging London Plan). Another reason for the intensification of housing provision is in response to the pressing need for more housing across many parts of London, including the LLDC area.
26. Intensification of development within the plan area involves several processes. Firstly, housing densities are set to increase in the Plan, in line with the emerging London Plan. Secondly, part of this intensification involves the development of housing, mainly apartments, within existing designated employment areas. Thirdly, there have been changes in the type of industry moving into the employment clusters, some of which is characterised by pockets of general and in some cases, heavy industry. Some of these clusters are designated in the Plan as Strategic Industrial Locations (SILs) (typically B2 and B8 uses, i.e. general industry and warehousing); some recently introduced employment uses, such as cultural and creative industries, add a further dimension to the employment mix.
27. An additional factor is that the employment clusters within the LLDC area form part of a strategically important resource, especially for B2 and B8 uses. This serves not only the plan area, but London as a whole, and in some cases further afield. Despite their importance as part of a relatively constrained pan-London reservoir of employment land, these clusters are under pressure from residential development, both in response to genuine need, but also because such uses are viewed as investment opportunities, capitalising on enhanced land values. Without the protection afforded by development plans, there is a real danger of a significant and harmful loss of existing and proposed employment land, which would result in an imbalance between workspace and living space in London.
28. The close proximity of housing to certain forms of employment uses, and also between heavier and lighter forms of industry can potentially lead to major issues of impact on the living conditions for residents and also the problem of working practices being impinged upon by the need to avoid harming living conditions in newly introduced homes nearby. Policy B1 (location and maintenance of employment uses) seeks to address these complex issues comprehensively, and Table 3 shows the locations of the employment clusters where the policy primarily applies.

29. Policy B1.7 sets out a number of criteria against which development proposals will be considered. These follow the Agent of Change principle which is defined in the Glossary (and defined in main modification **MM15** to clarify the term and make the Plan effective). It is also necessary to refer to the Agent of Change principle in the policy itself and in the supporting text in the interests of clarity and for the effectiveness of the Plan in focusing on this important principle [**MM8 & 9**].
30. Policy B1 underlines the importance of protecting SILs as a valuable resource for the economy of East London, which is clearly justified for the reasons I have just explained. It is clear to me from both the representations and the discussion at the examination hearing sessions, that in establishing a balance between potentially conflicting uses, it is necessary to firstly, ensure that the existing employment uses, including Use Classes B2 and B8, are afforded the security of their continued existence. Secondly, the policy must enable employment uses within SILs and other employment clusters to grow and develop to achieve their full potential to the extent that such proposed uses, operations and activities are deemed acceptable in relation to the provisions of Use Classes B2 and B8.
31. In order to achieve the security of employment areas within the employment clusters identified in Table 3 and their potential to operate effectively and competitively, **MMS** adds clarity to policy B1.3 to set out how the Agent of Change principle would apply to existing and proposed employment uses within these areas.
32. In particular, **MMS** ensures that the function of B2 and B8 uses within the areas identified in Table 3, including their integrity, access/delivery arrangements and ability to operate on a 24-hour basis, are not compromised. I accept that the Corporation has moved some way towards this in the submitted Plan by recommending a change from the adopted Plan to enable 24 hours working, but in particular, unfettered access and delivery is viewed by many operators as critical. It is also true that inconsiderate practices, such as leaving refrigerated units causing vibrating and noise during anti-social hours, or vehicle engines left running, can be addressed by the environmental health departments of the various Boroughs within the plan area.
33. I am aware of concerns in relation to some forms of housing if access and delivery arrangements are unfettered, especially for family housing, although the Plan makes specific provision for this type of housing on a number of Site Allocations, which are mentioned in issue 4 below. But in order to maximise co-location in the context of intensification, some compromise is inevitable. And in any event, the Agent of Change principle requires measures to be taken to limit impacts on living conditions by neighbouring uses.
34. From the evidence submitted to and discussed at the examination hearing sessions, it seems to me that the current arrangements are limiting some employment sites from fulfilling their potential, which in turn is adversely affecting the local economy and employment. Within the areas identified in Table 3, it is important that the strategic priority, as expressed primarily through policy B1, needs to be the encouragement of an effective employment base to serve both the plan area and London as a whole. For

the reasons expressed within this section of the report, the proposed change is justified and necessary for the effectiveness of the Plan. **MM9** reflects the policy focus of **MM8** in the explanatory text to policy B1.

(iii) *Does the Plan support all sections of the business community, or are there winners and losers?*

35. From the evidence before me, it is clear that the Plan supports a diverse spectrum of employment growth to serve both the LLDC area and beyond. Cultural and creative industries are supported through the Creative Enterprise Zone designation. Maintenance of industrial floorspace suitable for B2 and B8 industry focused within the employment clusters means that, subject to protection through the Agent of Change principle, as modified by **MM8** and **MM9** above, there are potentially no losers. The Plan, as modified, ensures that all business communities have the opportunity to thrive within the area.

(iv) *Does the Plan establish a robust framework for the efficient use and protection of employment land?*

36. Policy B1 sets out a clear economic strategy for the area, with a focus of employment areas within employment clusters which are shown on Figure 4. Policy B1.3 safeguards employment land located within the employment clusters. A comprehensively detailed list of all the most important employment sites within the LLDC area is set out in Table 3, which provides clear information on the function of each of the 12 clusters and points towards potential for more efficient use of land within these areas. Table 3 combines clear, detailed direction as well as allowing a measure of flexibility, and in my view, this is a well-balanced provision for using these clusters effectively.
37. Policy B1.7 tackles the issue of protecting the loss of employment land to other uses, by requiring at least two years' marketing evidence immediately preceding any development potentially inhibiting the continuation of employment. This is necessary, given both the pressure for conversion/redevelopment to residential use, and the importance of employment land within the plan area, not only for the LLDC but to meet the economic, industrial and employment needs on a London-wide basis.

Issue 3 - Conclusion

38. Based on the above considerations, I conclude that, subject to the above modifications, the Plan sets out a positively prepared, justified, effective and sustainable economic strategy for the development of business growth to meet the area's employment needs over the plan period and is consistent with national policy and the London Plan.

Issue 4 – Housing Provision and Community Enhancement

Is the Plan's quantitative and qualitative housing provision to meet the area's needs over the plan period, and its framework for the enhancement of its communities and neighbourhoods positively prepared, justified, effective and in line with national policy?

(i) *Is the provision of at least 22,000 new homes in the LLDC area over the period 2020-2035 (i.e. 1,375 dwellings per annum (dpa)) justified?*

39. The data sets from the latest household projections, published by the Ministry for Housing, Communities and Local Government (MHCLG) which are used for assessing the objectively assessed housing need (OAN) for local planning authorities, does not include a separate projection for the LLDC area. Likewise, the latest GLA demographic projections for London are for the Boroughs and not for the development corporations.
40. The LLDC's lack of nationally available data for its area means that it is not possible to use the 'standard' methodology for determining housing need, and in this situation, exceptional circumstances justify using an alternative approach¹². The LLDC's housing requirements study¹³ looks at the full housing needs in more detail for the plan area over the period 2015 to 2031 and then extends it to 2036.
41. There is a relatively small number of housing units within the plan area – around 10,000 dwellings in 2017 (the date of the evidence base for the study). The OAN for the area was calculated at 10,638 dwellings over the period 2015-31, rising to 12,997 taking account of factors such as making allowances for vacancies, with an uplift of 20% proposed market signal indicators such as affordability and overcrowding, in order to cover the 'extended' plan period to 2036¹⁴.
42. Given that there is no definitive guidance on what level of uplift is appropriate and the seriousness of factors such as overcrowding and affordability in the Boroughs comprising the plan area, and for Greater London as a whole, I consider that the proposed uplift of 20% is not unreasonable. This methodology is also in line with the Planning Practice Guidance (PPG), which identifies a range of housing market signals that should be considered when determining the future housing number¹⁵. This latter figure, covering the entire plan period, translates to 619 dpa.
43. The emerging London Plan housing needs figure is significantly higher than this, at 21,610 dwellings over the 10-year period from 2019/20-2028/29¹⁶,

¹² See *The Framework*, paragraph 60.

¹³ LLDC Housing Requirements Study; March 2018 [Examination Document LEB2].

¹⁴ See Document LEB2, Section 8, Conclusions.

¹⁵ PPG: Assessment of housing and economic development needs; March 2014.

¹⁶ Draft London Plan – Consolidated Changes Version – Table 4.2 10-year targets for net housing completions; July 2019.

which would annualise out at 2,160 dpa (although I note that in the July 2018 version of the DLP, the annualised figure has been struck out, which limits the weight I can give to it). This 10-year figure is based on the demographic work relating to the four London Boroughs which lie partly within the LLDC area, based on the assumption that the plan area would relate to the housing needs of all of these Boroughs – and partly on the capacity for housing development identified within the plan area.

44. However, there is an important third consideration which the Plan recognises, and which is explained in the LLDC's housing delivery note¹⁷. There is a need for the Plan to strike an appropriate balance between housing delivery and economic growth. Both of these considerations are critical for the regeneration of East London. Whilst there is scope for intensification and co-location of some forms of housing with some forms of light industry and commercial uses, other forms of employment uses, such as within Use Class B2, need to be able to expand and develop where appropriate and the living conditions of residential occupiers need to be taken into consideration (as I have discussed under Issue 3 above.)
45. Based on these considerations, the Development Corporation argues that it is not possible to identify any further sites from those already identified in the submitted Plan, without having significant implications on the wider regeneration aims of the Plan as a whole. Although further work on intensification and housing yields increases the realistic figure from 22,000 to 24,000 new homes, the evidence points to the limited capacity for new housing, which the LLDC argues in more detail in its submitted evidence¹⁸, and which is endorsed in the GLA's Statement of General Conformity with the London Plan¹⁹. This capacity is even more limited in relation to the key issue of whether the Greater Carpenters Estate should be cleared and redeveloped to yield 2,300 new dwellings, which I consider in more detail under sub-section (vi) below.
46. It is clear to me, from the discussion at the hearing sessions, that the balance between housing allocations and sites in employment use, especially within the SIL clusters, is already a fine one. I therefore consider that the LLDC's objective 2, as amended, to deliver more than 24,000 new homes between 2020 and 2036 **[MM10]**, to be justified in principle (subject to the key issue (vi) conclusion below) and in accordance with national policy which accords with the Government's prioritisation of the delivery of new homes, as set out in paragraph 59 of *the Framework*, and that the Plan is not unnecessarily cautious in terms of housing provision.

¹⁷ LLDC Housing Delivery Explanatory Note; February 2019, see paragraphs 7.16 and 7.17 [Examination Document LD27].

¹⁸ Examination Document OD04-Purpose of the Legacy Corporation.

¹⁹ Greater London Authority: Statement of General Conformity with the London Plan – Re: London Legacy Development Corporation - Partial review – Examination [Examination Document OD 4b].

(ii) *Is the overall housing provision for the LLDC area deliverable over the plan period?*

47. The Development Corporation points out that it has a good track record on housing delivery, with all its schemes with planning permission being built out, and where no planning permissions have lapsed. I also note that the Corporation frequently engages with the key developers of housing sites in the plan area to keep the delivery information of the housing trajectory in the Plan up-to-date. The Corporation's confidence in this matter is underscored by a Statement of Common Ground (SCG) between the LLDC and the principal housing developers and consultants²⁰ covering the realistic yields from each source, and the reasons for the areas of disagreement. I also note that the Home Builders' Federation (HBF) stated at the hearing sessions that it "*did not have too many issues with the Plan*", which I take to be an indication of general support.
48. The areas of agreement set out in the SCG include the affordable housing (AH) threshold, flood risk, open space provision and identification of vacant land. The only remaining areas of continued disagreement include whether there is a need for a new primary school at Site Allocation 3.6 (Rick Roberts Way), building heights, AH provision in relation to a 50% portfolio approach and whether the site should be phased.
49. Based on the above working relationships between the LLDC and key developers, the Development Corporation sets out in detail the anticipated information on housing delivery for each Site Allocation in the Plan²¹. The estimated yields and timings were not challenged by the representations, that is outside the disagreements referred to in the above SCG, and in some cases, this has led to modifications in the Plan which I shall refer to later in this report.
50. The Corporation's housing delivery information shows that existing permitted schemes account for around 58% of the planned housing delivery over the plan period (2020-2036). The remaining 42% is expected to come from site allocations (25%) and additional capacity outside site allocations, as identified in the London SHLAA²². In addition, policy H1 aims to promote and diversify delivery on a range of different site types, including through small sites and conversions, for example through the Brownfield Register and PTAL mapping.
51. I am therefore satisfied, from the evidence submitted, that the housing provision in the Plan is deliverable within the plan period, and that there is reasonable certainty that permitted residential schemes will be delivered as planned. On this basis, whilst there may be the need for a review of the Plan at some point within the existing plan period, clearly there is a requirement to review the plan in five years.

²⁰ Draft Statement of Common Ground (SCG) between LLDC and St William Homes LLP and National Grid [Examination Document SCG1].

²¹ LLDC – Housing Delivery Information (available on the request of the Inspector) by financial year [Examination Document LD33].

²² Examination Document RPP10.

52. The LLDC has proposed to insert a new housing trajectory to cover the updated housing delivery information, which includes the latest estimates of small sites/windfalls as well as permissions and allocations, to ensure that the Plan properly reflects the up-to-date supply position. I agree that this main modification **[MM19]**, is necessary to ensure the effectiveness of the Plan. **MM11** updates the explanatory text in relation to the trajectory, which again is needed for effectiveness.

(iii) *Is the proposed housing mix likely to meet the qualitative needs of the existing and future communities in line with national policy and the relevant policies in the London Plan?*

53. The Plan contains several policies which address the varied housing needs of the plan area. Strategic policy SP2 commits to provide a full range of house types to meet the area's needs.

54. Self-build housing: The Development Corporation has no statutory duty to produce a self-build register, but the Plan references how self-build proposals will be considered alongside other forms of housing. Paragraph 5.3 encourages, where appropriate, custom/self-build opportunities and recognises their contribution towards housing supply. This goes beyond LLDC's legal requirements, and no soundness issues arise.

55. Family housing: Family housing is defined in the glossary as having three or more bedrooms²³. Policy H1 expects proposals to provide a 'balanced mix' of one, two- and three-bedroom properties, whilst the Plan also identifies several locations where proposals are required to provide an emphasis on family housing, for example, in all four site allocations in Sub Area 2 (North Stratford and Eton Manor). I consider this to be a measured, justified approach and not over-prescriptive.

56. Houses in multiple occupation: Policy H6 addresses houses in multiple occupation (HMOs), including criteria for assessing whether they are acceptable in planning terms. However, no planning applications have been submitted for HMOs since the LLDC was established, and there seems little risk that HMOs are likely to displace the potential for meeting 'mainstream' housing needs. Changes in shared living accommodation and levels of self-containment will be monitored to ensure there is no undue pressure on conventional supply, which is justified.

57. Older persons' housing: Policy H3 provides support for older persons' housing, including specialist older persons' accommodation within Use Classes C2 and C3. The proposed change to the policy, to support the provision of older persons' accommodation to meet an annual benchmark of 17 per annum **[MM21]**, is necessary to meet identified need and is in line with national policy as expressed in paragraph 64 (b) of *the Framework*.

58. Student accommodation: Policy H4 sets out criteria for the provision of student accommodation, with a number of provisos, including the requirement to ensure that there is no unacceptable adverse amenity (living

²³ Note: Not more than three bedrooms as the LLDC states in its response to the MIQ Discussion Note.

conditions) impact, on either future occupiers of student housing or on existing neighbouring residents. **MM12** updates the basis of monitoring students' accommodation, changing the assumption from 3 bedspaces down to 2.5; this is considered to be more realistic and therefore necessary for the effectiveness of the Plan. The policy, subject to the above modification, is justified and nuanced, whilst not being over-prescriptive.

59. Gypsies and Travellers: Policy H5 seeks to protect existing gypsy and traveller accommodation and provides a criteria-based approach to the assessment of sites for new gypsy and traveller accommodation. In addition, the supporting text sets out the pitch requirements. There is a need for nine pitches to meet the definition as set out in national policy as expressed in the PPTS, plus a further 15 pitches to meet the new definition within the emerging London Plan.
60. Site Allocation 1.7 provides a new gypsy and traveller site at Bartrip Street South. I note that the Development Corporation is already working with partners to secure this site within the first five years of the plan period. The proposed change to the policy, to specify the number of pitches proposed (at least seven) **[MM26]** is necessary for the Plan to be positively prepared and justified, and consistent with national policy.

(iv) *Can the Plan deliver a five-year housing land supply for the plan area?*

61. The Plan identifies a total of 10,934 dwelling units which are expected to be delivered over the 5-year period 2020/21 – 2024/25 (against a requirement of 10,805 units), thus resulting in a small 129 (1.19%) surplus, or buffer. The five-year figures show a stepped trajectory, in that the anticipated delivery in the first two years are the lowest, with year 4, followed by year 3 being the highest. Year 5, with an anticipated delivery of 2,075 units, occupies the median position²⁴. The LLDC is confident that these dwelling totals can be achieved within the period 2020/21 to 2024/25 for several reasons.
62. Firstly, 43% of the total can be delivered on Development Corporation owned land, and 55% is already under construction. Secondly, the LLDC can point to significant engagement with developers, as the SCG already referred to (section (ii) above) makes clear. Thirdly, there is a broad measure of support from representations for the five-year figure, including from the HBF. Fourthly, there is evidence from the recent Authority Monitoring Reports (AMRs) and the Corporation's submitted evidence²⁵ that adding small windfalls, which were excluded from the above figures, are likely to add to the above surplus of 129 units, to make a surplus of 239 dwellings, which would be 2.2%, i.e. doubling the size of the buffer.
63. Clearly, the size of the buffer is less than the required 5% to ensure choice and competition, as set out in paragraph 73 of *the Framework*. However, there is a clear justification for this. Firstly, that there is a strong consensus

²⁴ LLDC Response to MIQ Report, Table 1, page 17 [Examination Document LLS1].

²⁵ Additional Housing Delivery Information, Table 3 [Examination Document OD05].

between the Council and most developers that the schemes identified in the Plan can be delivered within the plan period, including those identified in the first five years.

64. Secondly, the Corporation's primary purpose is to secure the economic regeneration of the Legacy area, and if sites were to be reallocated from economic regeneration to housing, so as to achieve a 5%, let alone a 20% buffer, this would impact significantly on the primary economic purpose of the Plan. This in my view would not be justified and would run counter to the national policy aim to secure a lasting legacy in this area in economic regeneration terms.
65. A final argument in support of the LLDC's contention that it has a five-year housing land supply is its opinion that, subject to detailed scheme design, it may be possible to increase density on some sites whilst continuing to deliver high quality schemes. It is not unrealistic to assert this view in the light of many schemes in London and elsewhere that are responding to increased demand by raising densities, whilst at the same time pursuing enhanced design and increased sustainability in terms of building design and materials, energy use and more robust construction methods.
66. Based on the above considerations, I am of the view that the Corporation's five-year housing land supply, whilst providing a surplus (2.2% including windfalls), which is significantly below the required 5%, has a strong likelihood of delivery. And the reallocation of sites allocated for employment, commercial or industrial use would be contrary to the primary purpose of the Plan, to secure a lasting legacy in terms of economic regeneration. There would also appear to be every likelihood that housing densities can be increased in the next few years, making it possible for the five-year housing delivery to provide a surplus running significantly above 2.2%.
67. Moreover, the GLA's Statement of Conformity specifically endorses the LLDC's arguments for a smaller buffer than the 5% set out in *the Framework*, and in the light of the above considerations, I see no reason to come to a different view. I therefore do not have a soundness issue when balancing the Plan's five-year housing land requirement within the broader canvas of economic regeneration.
 - (v) *Is the affordable housing provision in the Plan justified and deliverable?*
68. Strategic policy SP2 sets out the strategic parameters for maximising affordable housing (AH) delivery through a minimum 35% target across the area, which increases to 50% on a habitable room basis. Policy H2 sets out the planned AH provision in more detail. These policies accord with the DLP (policy H6), and include London Affordable Rent, London Living Rent and London Shared Ownership, all of which are defined in the Glossary, within the Intermediate Category.
69. Policy H2 applies to all residential schemes of 10 units or more or over 5 ha, including future changes of use of residential floorspace.
70. The 35% AH threshold is justified by the findings of the London Plan Viability Study and allows for relaxations if schemes are unable to reach the 35%

target, or 50% where applicable, which covers schemes on publicly owned or industrial land. Although the London wide SHMA sets out a 72-28 split in favour of low cost rented products, the independent viability testing suggests that this ration would be challenging for some typologies, and that retaining a 60:40 split, as in the existing adopted Plan, would be appropriate. I understand and support this approach.

71. The Corporation commissioned an independent Local Plan Viability Study, based on a number of scenarios, which points to anything in excess of 35% as unlikely to be viable²⁶. The updated CIL Viability Study²⁷, however, makes the point that the fine grain pattern of different types of development and varying existing use values make it impossible to realistically test a sufficient number of typologies to reflect every conceivable scheme that might come forward over the plan period.
72. The CIL Study also states that: "*the LLDC's proposed approach of reflecting the Mayor of London's threshold approach to affordable housing will allow schemes that cannot provide as much as 35% to still come forward rather than being sterilised by a fixed or 'quota' based approach to affordable housing*"²⁸. I am satisfied that the AH provision in the Plan is therefore realistic, and that increasing the low-cost renting percentage would undermine the viability of AH provision and thus the overall effectiveness of the Plan.
73. The application of the above viability arguments has led to the need for changes to the AH thresholds for a number of portfolio sites (SA3.2; SA3.5; SA3.6; and SA4.3) from 50% to 35%, unless the sites are on public land or industrial land where there is a net loss of industrial floorspace capacity **[MM14]**, and to determine whether even 35% would be viable where there is evidence of extraordinary contamination, enabling and remediation costs **[MM13]**. These changes are justified and necessary for the effectiveness of the Plan, as is main modification **MM30** which clarifies the need to ensure that intermediate units remain genuinely affordable. **MM20** clarifies the basis of build to rent schemes and is necessary for the effectiveness of the Plan.

(vi) *Community enhancement: Greater Carpenters Area*

74. Objective 2 of the Plan aims to establish and maintain locally distinctive neighbourhoods which meet housing needs and provide excellent and easily accessible infrastructure, including new schools and health and other community facilities, such as space suitable for faith use. Figure 29 shows all the site allocations in the Plan, many of which are planned as locally distinctive neighbourhoods.
75. In several parts of the Plan, such as in Fish Island, the Plan makes clear, in fact requires, that the character of new development must draw upon and

²⁶ BNP Paribas Real Estate: London Legacy Development Corporation Revised Local Plan Viability Study; October 2018 [Examination Document LD12].

²⁷ BNP Paribas Real Estate: London Legacy Development Corporation Community Infrastructure Levy (CIL) Update Viability Study; October 2018 [Examination Document CIL06].

²⁸ CIL Update Viability Study, paragraph 2.30 [Examination Document CIL06].

respect the form and character set by the existing streets and buildings within the area. This is an important principle, both from an urban design consideration and also to ensure community cohesion and minimise disruption to the local settled population. This principle, especially in relation to community cohesion, also applies to the Greater Carpenters Estate.

76. In the Greater Carpenters area, policy SA3.4 of the submitted Plan includes a proposal for extensive mixed-use redevelopment, with an expected yield of 2,300 new homes (gross). I have observed that the Greater Carpenters Estate is a strong vibrant community with several social, sports, cultural and educational facilities. It is clear from the representations and spoken contributions at the hearing sessions, that there is considerable local opposition to the intention in the policy to allocate 2,300 new dwellings through a programme of clearance and redevelopment of most of the existing housing stock in the estate and consequent displacement of the existing community.
77. I agree with a previous Inspector, who examined the Newham Core Strategy, who stated in 2011, in relation to the Greater Carpenters area, that: "*The site presents a classic planning dilemma of how to maximise exciting opportunities while protecting the important interests of the existing community*"²⁹. This dilemma is ongoing, especially as the Greater Carpenters Estate is still largely intact, and no demolition/redevelopment work has started. The residents are still making it clear in their representations that they wish to remain together as a community and mostly stay in their existing homes. In view of the above considerations, I find the view of the local community persuasive in relation to the future of the Greater Carpenters Estate.
78. Clearly, it is important to maximise housing densities in line with the emerging London Plan, national policy and the regeneration principles of the Olympic Legacy area. However, the total of 2,300 new dwellings for this area in policy SA3.4, as introduced in the Schedule of Changes document (November 2018), can be achieved only at the cost of displacing a large existing community.
79. An alternative to this aim is set out in the submitted Greater Carpenters Neighbourhood Plan (GCNP)³⁰, which proposes a "bottom up", community-based approach to planning for the future of the area. This approach, as the emerging GCNP policy H2 sets out, would provide 650 new homes and bring 300-350 empty homes back into use. Clearly, there is a wide gulf between these alternative aims for the Greater Carpenters area in terms of both the quantum of delivery of additional new dwellings and the impact on community cohesion.
80. *The Framework* states that, whilst NPs should support the delivery of strategic policies contained in local plans (paragraph 13), it also requires that plans should be shaped by early, proportionate and effective engagement

²⁹ Report to London Legacy Development Corporation; 8 July 2015, paragraph 96.

³⁰ Greater Carpenters Neighbourhood Plan 2019-2028: Submission Version May 2019 [Examination Document LD32].

between plan-makers and communities (and other groups) (paragraph 16 (c)). Paragraph 29 also gives communities the power to develop a shared vision for their area. This should be done in a sensitive, transparent, inclusive and co-operative way.

81. It is also clear from Newham LB's response to my request for clarification on the regeneration process of Greater Carpenters Estate and programme³¹, that the Council, which is the primary land owner and also the housing authority, is carrying out an options appraisal with residents on the estate, with a 'planning determination' programmed for March-July 2021, following a residents' ballot programmed for the end of quarter 1 of 2020/21.
82. The GCNP is at a relatively early stage in its progression towards being a 'made' plan, which limits the weight I can place upon it. However, I note and agree with the comment made by the previous LLDC Local Plan Examiner, in her report, that: "*There remain questions as to whether the [Newham Council's] assessments of refurbishment schemes are sufficiently up-to-date, and whether the most reasonable option has been defined.*"³² Since that report, I understand that Newham Council has signalled its aim to reassess its options and consider the views of the community.
83. I also note that policy SA3.4 in the Adopted Local Plan (July 2015) includes, as one of its supporting development principles, to ensure early community consultation where specific development proposals or regeneration plans are brought forward. The adopted policy's requirement for early consultation is still in the process of being met, and it would be premature at this stage to undermine it with a policy which would prejudice the outcome of this process. It is clear from the evidence that I have read and heard that the Greater Carpenters community's main message to this examination is to express a strong will to remain intact as a vibrant area through a more nuanced and sensitive approach, rather than through large scale clearance, displacement of residents and redevelopment.
84. All the representations from the Greater Carpenters community support the proposed main modifications to the Plan, to replace the demolition/ redevelopment option in the submitted Plan with a more community-based approach, with limited or no demolition. However, I note three points made in the representations to the proposed main modifications submitted by Newham LB³³: firstly, that paragraph 29 of *the Framework* states that NPs cannot promote less development than the existing policies for the area; secondly, that the 2,300 dwellings are necessary for LLDC to meet its housing need; and thirdly, that Newham LB, as a major landowner, has already carried out community consultation with the Greater Carpenters residents, with 51% of the residents supporting some form of demolition.
85. Regarding the first of Newham Council's points in its main modifications representation, the strategic policies will be those that the Development

³¹ Newham LB Response to Inspector Request for Further Clarification on the Regeneration Process for Greater Carpenters Estate; 28 September 2019 [Examination Document OD03].

³² LLDC Local Plan Inspector's Report, paragraph 97; July 2015.

³³ Examination Document LPRM12.

Corporation will adopt following this examination, and the NPs will be required to accord with them. It will therefore not be a case of the GCNP 'tail' wagging the LLDC Plan 'dog'.

86. In relation to meeting housing need, as I have explained under sub-heading (i) above, the Development Corporation does not use the 'standard method' for determining housing requirement. An important part of the reasoning behind the housing figure in the Plan is the identified capacity, which is limited in the Corporation's area, especially when considered alongside the need, as part of the Olympic legacy, to prioritise land to provide an effective employment base for the plan area.
87. However, it may be that the anticipated increase in densities from site allocations may yield a figure close to the requirement in the submitted Plan of 22,000 dwellings over the plan period. In any event, the yield of 2,300 new dwellings from site SA3.4 may not be required if other opportunities arise, especially if the Development Corporation is confident that a figure of 24,000 new dwellings is realistic over the plan period.
88. In response to the third point, Newham LB states that three options for the future of the Greater Carpenters Estate were tested through local workshops with residents. Although no indication for support for any of the options is given, an additional representation from Newham Council, dated 24 February 2020³⁴, states that in its engagement process, 51% of the Neighbourhood Forum supported some degree of demolition and redevelopment. This, however, is not the same as total demolition.
89. All the Greater Carpenters residents who have made written and oral representations to my examination have stated that they supported minimising demolition and disruption. They all requested deleting the requirement for 2,300 new homes and argued for reaching a community-based outcome for the future of the area. Not a single resident during the examination process expressed a contrary or dissenting view, despite several opportunities that were presented during the examination to do so.
90. Taking into account the above considerations, it is clear to me that:
 - (a) Although the formal residents' ballot is yet to take place, it is highly likely from all the written representations and spoken contributions at the hearing sessions, that most residents in the Greater Carpenters area are expressing the wish to remain where they live now and would resist comprehensive redevelopment and the inevitable disruption and community displacement, even if those with a 'right to remain' would be invited back later to live in the area;
 - (b) The total of 2,300 new dwellings in the second bullet point of the submitted policy SA3.4, would preclude achievement of the above-mentioned aspirations of most of the Greater Carpenters community; and

³⁴ Examination Document LPRM24.

(c) Objective 2 in the recently adopted Newham Local Plan Review places a strong emphasis on high quality places, where people choose to live, work and stay, reducing population churn and creating cohesive communities. Achieving a more nuanced form of development which avoids wholesale clearance and relocation of an existing settled population would reduce population churn and, subject to the forthcoming community consultation exercise, would accord with the residents' preferred choice of staying together within the Greater Carpenters Estate.

91. For the above reasons I consider that it would be inappropriate for policy SA3.4 to allocate a figure of 2,300 new dwellings in the Greater Carpenters area, or indeed any housing figure whilst the consultation process, set out in Newham LB's response which I referred to above, is still undergoing the process of community consultation as required by policy SA3.4 in the Adopted Plan. It is also appropriate that the detailed development principles for this area should be formulated through the emerging GCNP, clearly of course within the strategic context of this Plan.
92. In response to the above considerations, main modifications to policy SA3.4 **[MM27-29]** are needed. These delete the reference to 2,300 new dwellings and commit the Plan to the community consultation process for the Greater Carpenters Estate.
93. These changes ensure that the policy is positively prepared, justified and is in line with national policy and accords with the adopted Newham Local Plan. One outcome of these modifications would be the reduction of the LLDC's overall housing provision by around 1,400 dwellings; however, as the figure in the submitted Plan is a gross figure, I would expect the net shortfall in dwellings to be significantly reduced from this figure.
94. Taking into account the key material considerations, it is my view that the deletion of 2,300 dwellings (or a net reduction of something less than 1,400 dwellings) as a result of following the approach set out in **MM27-29** as part of the strategic housing provision for the plan area (and for East London) needs to be set against the harm which would be caused by the upheaval to a large, established and settled community.
95. The Plan would need to find a significant number (perhaps approaching 1,400) additional new homes within the plan period. The Development Corporation's evidence states that there is significant additional housing potential arising from increased densities, which could increase the total provision from 22,000 to 24,000 new dwellings (as explained in sub-section (i) above), in which case the gap would be completely bridged. Clearly, if the residents' ballot which I refer to above, indicates another course of action to that in the emerging NP, this part of the Plan would need to be reviewed accordingly.
96. In addressing the choice between either allocating 2,300 new dwellings on site SA3.4 as part of achieving the strategic housing provision of 22,000 new homes or providing for a community-based development of the Greater Carpenters Estate, it is my view, based on the evidence before me, that the

most sustainable option is to support the community-based option. In view of the sensitivities and uncertainties currently expressed in several representations and during the hearing sessions, it is my view that this issue needs to be tackled as soon as possible to provide much needed certainty for all parties, and not 'parked' for a future review of the Plan.

97. I am also aware that the housing needs calculation for the LLDC area is based on a hybrid assessment, rather than the strict application of the standard methodology, and that exceptional circumstances justify an alternative approach. I consider that this issue requires the alternative approach as cited by LLDC. Regarding the five-year housing land supply, this does not rely on Site Allocation SA3.4.
98. It is therefore my view, for the reasons already stated, that in relation to the future of the Greater Carpenters Estate, there is a strong justification to reduce the total estimated delivery to around 20,600 dwellings, which amounts to a 6.36% decrease from the emerging London Plan target. However, as I have stated, the increased housing densities, which the LLDC considers are possible on many sites, could significantly reduce or eliminate this shortfall.

Issue 4 - Conclusion

99. Based on the above considerations, I conclude that the Plan's quantitative and qualitative housing provision, subject to the above modifications, are likely to be sufficient to meet the area's housing and community needs over the plan period, at least over the first ten years and provide an effective framework for the enhancement of its communities and neighbourhoods. I am also satisfied that, subject to the above modifications, the Plan is positively prepared, justified, and is consistent with national policy and the London Plan.

Issue 5 – Built and Natural Environment:

Does the Plan provide a justified and effective framework for achieving a high quality built and natural environment?

(i) Strategic Open Space

100. Strategic open space is one of the key considerations in planning for enhancing the legacy of the Olympic and Paralympic Games. Accordingly, the Plan includes several policies which address themes such as integrating the natural, built and historic environment, responding to the concept of place, protecting Metropolitan Open Land, safeguarding and where possible improving and extending the area's distinctive waterway environments, and extending and improving the area's superb linear network of interconnected and accessible green spaces. These policies have been reviewed and where necessary amended to respond to national policy and the emerging London Plan.
101. Generally, the Plan provides positive strategic direction and is not over-prescriptive. In relation to the waterways and canals which form such a distinctive aspect of the character and appearance of the plan area, two

modifications are necessary. Main modification **MM1** includes a bullet point to policy BN2, to protect essential waterway infrastructure, and **MM2** includes waterways and canals in the list in policy BN4 of open space assets which require adequate levels of daylight and sunlight. Both these changes are necessary for the Plan to be positively prepared, justified and accord with national policy.

(ii) Tall Buildings

102. Policy BN5 sets out the parameters for determining proposals for tall buildings. This policy, which defines tall buildings as those that are higher than the prevailing or generally accepted height of each of the Sub Areas (as set out in Tables 11, 12, 13, and 14 in the submitted Plan), takes account of the existing context, and provides some guidance for the development of tall buildings at generally cleared and large redevelopment sites. This provides a rational base line for new development, which on the one hand is expected to respond to the emerging London Plan's objective to make efficient use of land and deliver more housing in London, whilst ensuring that the area is not overdeveloped and remains true to the Legacy Vision of the Local Plan.

103. Moreover, the policy is not inflexible and does not preclude all tall buildings outside centres, although the PTAL ratings are appropriately viewed as a key to decision making. I therefore do not agree that the policy is over-prescriptive or that it has adopted a 'blanket' approach to tall buildings in the plan area.

104. I also consider that the general focus of the Plan, to locate the tallest buildings within the boundaries of existing and proposed centres, is justified, as it ensures that such high-rise structures are focused around public transport hubs with the highest PTAL ratings. If the PTAL ratings were not considered in the Plan to be the key indicator of accessibility, there would be a danger of muddying the waters; on the other hand, the PTAL indicator is clear and it enables easy comparison of sites and is a strong and objective basis for decision making. I am therefore satisfied that the Corporation's policy stance in relation to proposals for tall buildings, including their definition and appropriate locations for such buildings, is justified.

105. I note concerns regarding the risk of tall buildings being alien to the character and appearance of their surroundings and adversely impacting on the living conditions of the occupiers of neighbouring properties, or micro-climate issues. However, these considerations are adequately addressed in bullet points 7 and 8 of policy BN5, and I do not consider that additional modifications to the policy are required in the interests of soundness.

(iii) Other environmental policies

106. Policy BN10 protects key views, which constitute an important consideration in the Legacy area. The policy is supported by Figure 18 which identifies the key views, including the Wider Setting Consultation Area, based on Protected

Vista 9 from the London View Management Framework (LVMF) SPG³⁵. This policy is justified and accords with policy HC3 of the emerging London Plan.

107. In relation to urban greening and overheating, policy S9 accords with national policy and the emerging London Plan, and includes the Mayor's 2050 zero carbon target.
108. Policy BN11 requires all new developments to contribute to improving air quality through appropriate construction, design, transport planning and the use of green infrastructure (GI). The policy requires major developments to be at least air quality neutral in line with policy S11 of the emerging London Plan. The policy is justified and accords with national policy and the emerging London Plan.
109. Regarding noise, policy BN12 addresses the London Environmental Strategy goals and emerging London Plan policy D12 (Agent of Change) and D13 (Noise). The policy also requires development proposals to minimise exposure to the adverse impacts of noise, in line with paragraph 180 (b) of *the Framework*. The policy is justified and accords with national policy and the emerging London Plan. I have already referred to the need for proposed modification **MM15**, for the Agent of Change principle to include noise considerations, in section 1 above.
110. Policy BN14 deals with the quality of the land, and proposed modification **MM3** requires that account is taken of potential impacts on any Groundwater Source Protection Zone. This is justified and ensures the Plan is in line with national policy.
111. In relation to the quality of the built environment and the protection of heritage assets and sites of archaeological interest, the relevant policies are in place to address these important environmental considerations, and are sound.
112. Policy S12 is a new policy addressing resilience. It reflects section 14 of *the Framework*, including measures which aim to mitigate the impact of development on climate change, and it is justified as well as being in accordance with national policy.
113. Policy BN9 aims to maximise opportunities for play and sets out a number of criteria to enable this to be accessible, sustainable and inclusive. It links into the relevant GLA policies and the Mayor's Shaping Neighbourhoods Play and Informal Recreation SPG. The policy is also supported by Table 7 (Public open space categorisation) and is in line with the ethos of *the Framework*, especially paragraphs 96-98. Figures 15-17 provide a helpful overview of the wealth of green spaces, both existing and in future which are to be either protected or provided within the plan period.

³⁵ Examination Document RPP20.

Issue 5 - Conclusion

114. Based on the above considerations, I conclude that the Plan's framework for achieving a high quality built and natural environment is, subject to the above modifications, positively prepared, justified, and consistent with national policy.

Issue 6 – Transport and Other Infrastructure

Does the Plan set a framework for the provision for sustainable transport and other infrastructure to meet the area's needs over the plan period?

(i) Strategic Transport

115. Objective 4 and strategic policy SP4 address the need to secure strategic transport and other infrastructure to support the growth envisaged in the plan area over the plan period. The transport policies reflect the updated context set out in the Development Corporation's evidence³⁶, which presents a detailed analysis of projected increased capacity on several existing and proposed extended rail routes³⁷, which is considered to be both significant and sufficient to accommodate the demands for increased travel within the plan area, although Crossrail 2 is seen as unlikely to be delivered within the plan period.

116. The proposed change to the transport strategy of the Plan, to refer to improvements to Stratford Station as part of an integrated congestion relief scheme access and station upgrade [MM7 & 23], and a situation update on Crossrail 2 [MM22], ensure that the Plan is positively prepared and effective in being able to ensure that implementable schemes exist to ensure the growth proposed in the Plan will not place unacceptable strains on the rail network. Furthermore, increased numbers of buses and improved cycleways and pedestrian links are also proposed, both by TfL and also in relation to several Site Allocations in the Plan.

(ii) Sustainable Transport

117. Policy T8 states, in its first bullet point, that development should aim, as a starting point, to be car-free. In 2017, 70% of development granted in the plan area was car-free, and this rose to 100% in 2018. Parking and access issues are also properly addressed in the Plan, with support where necessary provided for in the Infrastructure Delivery Plan (IDP). In particular, these policies and provisions are strongly supported by TfL, and there are no soundness issues for me to address.

³⁶ LLDC Transport Study; 2018 [Examination Document LEB13]; LLDC Transport Background Paper; 2018 [Examination Document TBP5]; and the IDP [Examination Document TBP4].

³⁷ Improvements include: introduction of Elizabeth Line (+ 10% capacity at Stratford); Jubilee Line Optimisation Project (30 to 32 trains an hour in the central area); significant investment in Hammersmith and City Lines; and increased capacity on the DLR by 120%) [See TfL response to the Plan, ref PRN.036/001].

(iii) Rail Freight

118. Site Allocation SA4.5 (Bow Goods Yard (Bow East and West)) emphasises the opportunity for intensification, consolidation and development of rail freight, along with associated industrial uses. This is sufficient to open the door to increased rail freight capacity at this site, and further text to emphasise this further is not necessary on soundness grounds.

Issue 6 - Conclusion

119. Based on the above considerations, I conclude that the Plan's framework and policies for the provision of sustainable transport and other infrastructure to meet the area's needs over the plan period are, subject to the above modifications, positively prepared, justified, and consistent with national policy and the emerging London Plan.

Issue 7 – Delivery and Implementation Framework

(i) Infrastructure Delivery

120. Table 14 in the Plan provides a comprehensive overview of infrastructure delivery to support the development proposed in the Plan. This is closely linked to the IDP and CIL Charging Schedule, both of which have been reviewed to reflect the current context and ensure that the policies in the Plan reflect the levels of change and development that has taken place since the adoption of the existing Local Plan. The IDP anticipates the population growth of the LLDC area throughout the plan period, and then considers the key elements of what is termed 'social infrastructure' (including education, healthcare, open space, play space, sport facilities and libraries and community facilities), transport, and the utilities (energy, water, sewage treatment and disposal and flood risk).

121. The IDP also sets out the funding requirements for necessary infrastructure and the key funding gaps. A minority of school projects, for example have not yet secured planning permission or funding. Although many transport schemes have no funding currently identified, most are supported by TfL, and the relevant funding and delivery agencies are identified down to a very detailed list of schemes. The IDP also shows many schemes in the course of implementation, and the Development Corporation has a good track record of scheme delivery. Also, no 'showstoppers' (i.e. issues which are critical to the overall implementation of the Plan, which if unsolved could potentially derail the Plan) have been identified.

122. The information shows that there is a strong likelihood that the infrastructure requirements of the Plan will be delivered within the plan period, and I have identified no soundness issues in this area.

(ii) Development Management

123. The Plan has several development management policies, including BN4 (designing development); BN5 (tall buildings); and BN6 (inclusive design). Specific guidance is also included in the Site Allocation policies. No significant gaps are evident, and I have identified no soundness issues.

(iii) Risk

124. The evidence submitted to the examination demonstrates that the Plan is based on a comprehensive assessment of circumstances and a detailed assessment of the development capacity of the plan area. In addition, paragraph 14.20 confirms that if monitoring identifies that if the key strategic elements of the Plan would not be met to a significant or ongoing extent, then an early review would be undertaken. From the evidence before me, I consider that this is an unlikely scenario, and for this reason I have not suggested a modification to link a review of the Plan to a new policy in the Plan. Finally, the Local Plan Viability Study³⁸ is clear about uncertainties and risks and how these have been factored into the assessment. I have therefore not identified any soundness issues in relation to risk.

(iv) Monitoring

125. Table 15 in the Plan shows the key performance indicators (KPIs) which form the basis of the Plan's monitoring function. The Development Corporation is committed to annual monitoring against these KPIs, including new Housing Delivery Test information. Accordingly, I find no soundness issues in relation to monitoring.

Issue 7 - Conclusion

126. Based on the above considerations, I conclude that the Plan's delivery and implementation framework and policies are appropriate to meet the area's needs over the plan period and are positively prepared, justified, effective and consistent with national policy and the emerging London Plan.

Assessment of Legal Compliance

127. My examination of the legal compliance of the Plan is summarised below.

128. The London Legacy Development Corporation Revised Local Plan has been prepared in accordance with the Council's Local Development Scheme. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

129. Sustainability Appraisal has been carried out and is adequate. The Habitats Regulations Appropriate Assessment [Screening] Report [November 2018 and reviewed in January 2020] explains that a full assessment has been undertaken; that the plan may have some negative impact which requires mitigation and that this mitigation has been secured through the Plan.

130. The Local Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

³⁸ Examination Document LD12.

131. The Local Plan is in general conformity with the spatial development strategy (The London Plan). It also complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

132. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of gypsy and traveller sites to meet need and accessible and adaptable housing.

Overall Conclusion and Recommendation

133. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

134. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the London Legacy Development Corporation Revised Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Mike Fox

Inspector

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

Appendix 1

Schedule of Main Modifications

MM No	Submitted LP Ref	Proposed Change												
MM1	Policy BN2, page 90	<i>Add following to policy criteria:</i> <u>8. Protect essential waterway infrastructure.</u>												
MM2	Policy BN4, page 96	<i>Insert following text to policy criteria:</i> Ensuring surrounding open spaces, <u>including waterways and canals</u> , receive adequate levels of daylight and sunlight.												
MM3	Policy BN14, page 114	<i>Add following to policy criteria:</i> <u>6. Account is taken of any potential impact on any Groundwater Source Protection Zone.</u>												
MM4	Policy BN11	<i>Add to policy:</i> <u>Where an air quality assessment shows that a proposed development may result in significant effects on habitats within European sites, a project level Habitats Regulations Assessment (HRA) should be undertaken and submitted with any planning application.</u>												
MM5	Para 6.42	<p><i>Add to paragraph:</i> <u>The requirements of the Habitats Directive (EC Directive 92/43/EEC on the Conservation of Habitats and Natural Fauna and Flora are transposed into law in England and Wales by the Conservation of Habitats and Species Regulations 2017. Under Article 6 of EC Directive 92/43/EEC (the Habitats Directive), an assessment (Appropriate Assessment) is required where a plan or project may give rise to significant effects upon any European sites. There are no European sites located within the LLDC area boundary. However, European Sites outside the boundary may be affected by activities undertaken within the LLDC area if they are connected through an impact gateway, for example, hydrological links or impacts upon air quality. These sites are identified below.</u></p> <table border="1"> <thead> <tr> <th><u>Name of Site</u></th> <th><u>Status</u></th> <th><u>Distance from LLDC boundary</u></th> </tr> </thead> <tbody> <tr> <td><u>Lea Valley Special Protection Area</u></td> <td><u>SPA</u></td> <td><u>3.4km north-west</u></td> </tr> <tr> <td><u>Lea Valley Ramsar Site</u></td> <td><u>Ramsar</u></td> <td><u>3.4km north-west</u></td> </tr> <tr> <td><u>Epping Forest Special Area of Conservation</u></td> <td><u>SPA</u></td> <td><u>2.9km north-east</u></td> </tr> </tbody> </table>	<u>Name of Site</u>	<u>Status</u>	<u>Distance from LLDC boundary</u>	<u>Lea Valley Special Protection Area</u>	<u>SPA</u>	<u>3.4km north-west</u>	<u>Lea Valley Ramsar Site</u>	<u>Ramsar</u>	<u>3.4km north-west</u>	<u>Epping Forest Special Area of Conservation</u>	<u>SPA</u>	<u>2.9km north-east</u>
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		<p><u>An Appropriate Assessment of this Plan has concluded that any application coming forward as a result of Local Plan designation should be subject to a detailed project level HRA where:</u></p> <ul style="list-style-type: none"> <u>• The proposed development involves or requires the abstraction of water from the Lea Valley, and/or</u> <u>• An air quality assessment shows that a proposed development would result in significant effects on habitats within European Sites.</u>
MM6	Policy BN14	<p><i>Add to policy:</i> <u>Where a proposed development involves or requires the abstraction of water from the Lea Valley, a Project Level Habitats Regulations Assessment (HRA) should be undertaken and submitted with any planning application.</u></p>
MM7	Para 7.5	<p><i>Add to list:</i> <u>6. Improvements to Stratford Station as part of an integrated congestion relief scheme access and station upgrade.</u></p>
MM8	Policy B1.3	<p><i>Add to existing paragraph:</i> <u>In accordance with the Agent of Change principle, development proposals within or adjacent to SILs should not compromise the function, integrity, access/delivery arrangements or effectiveness of the location in accommodating industrial type activities (including Use Classes B2 and B8) and their ability to operate on a 24-hour basis. For clarity, and to avoid any misunderstanding, this applies to all clusters identified within Table 3. Mitigation measures should ensure that Classes B2/B8 operations will not have undue restrictions on noise generation or delivery hours.</u></p>
MM9	Para 4.14	<p><i>Change text as follows:</i> <u>Section 106 Agreements. In accordance with the Agent of Change principle, development proposals should demonstrate an acceptable relationship with the existing SIL users and ensure that noise-generating industrial uses remain viable and can continue or grow without unreasonable restrictions being placed on them, taking into account the function of SIL sites and industrial/warehousing operators' ability to operate 24 hours and 7 days a week. Mitigation measures should ensure that Classes B2/B8 operations will not have undue restrictions on noise generation or delivery hours.</u></p>
MM10	Objective 2	<p><i>Delete 22,000 new homes and insert 24,000 new homes.</i></p>
MM11	Para 5.3	<p><i>Change text as follows:</i></p>

		The trajectory includes a five per cent buffer of deliverable sites which shows that the target is expected to be met for the first five <u>ten</u> years, but it may not be possible on a rolling five year basis past 2028/2029. Nonetheless, it is expected that more than <u>24,000</u> 22,000 homes will be delivered over the plan period of 2020 to 2036 through optimised housing delivery on suitable, available and achievable sites over the period.
MM12	Para 5.28	<i>Delete 3 and insert 2.5 bedspaces accounting for a single home.</i>
MM13	SA3.6	<i>Change text as follows:</i> Provide affordable housing across the portfolio sites (site allocations SA3.2, SA3.5, SA3.6 and SA4.3) <u>in accordance with policy H2 based on an affordable housing threshold of 35 50 per cent, and in accordance with policy H2 applying an affordable housing threshold of 50 per cent on public land or industrial land where there is a net loss of industrial floorspace capacity.</u>
MM14	SA3.6	<i>Change text as follows:</i> <ul style="list-style-type: none"> <u>In determining the affordable housing threshold to be applied for each part of the site, the Legacy Corporation will consider for surplus utilities site land, evidence of extraordinary decontamination, enabling and remediation costs, including viability evidence, to determine whether a 35 per cent affordable housing threshold can apply when bringing the site forward.</u>
MM15	Appendix 5: Glossary	<i>Change text as follows:</i> Agent of Change principlefrom noise <u>and other nuisances</u>from noise <u>and other nuisance complaints.</u>
MM16	Appendix 5: Glossary	<i>Change text as follows:</i> Community <u>and social</u> infrastructure facilities This list is not exhaustive and other uses can be included as <u>community or social infrastructure.</u>
MM17	Para 3.7	<i>Add the following text:</i> <u>Any formally designated neighbourhood forum may also prepare a Neighbourhood Plan for its relevant neighbourhood planning area which will include further non-strategic policies for the relevant part of the Legacy Corporation Area. A Neighbourhood Plan will become part of the Statutory Development Plan once all relevant legal processes have been satisfied and the plan is officially 'made' by the Neighbourhood Forum.</u>
MM18	Appendix 5: Glossary	<i>Add following definition of Neighbourhood Plan:</i> <u>Neighbourhood Plan – A plan prepared by a designated neighbourhood forum for its neighbourhood plan area under neighbourhood planning processes. A</u>

		<u>neighbourhood plan attains the same legal status as a local plan, forming part of the statutory development plan, once all relevant legal processes have been satisfied and it is officially 'made' by the Designated Neighbourhood Forum.</u>
MM19	Figure 9	<i>Insert new housing trajectory to include a small sites/windfall assumption as well as permissions and allocations, to include additional capacity, as submitted during the examination hearing sessions.</i>
MM20	Para 5.21	<i>Change text as follows:</i> For Build to Rent schemes to qualify for the FTR, the tenure mix should consist entirely of Discounted Market Rent affordable rented products with 60% being offered at a discount equivalent to <u>low cost rents (social or London Affordable Rent)</u> , 30% as London Living Rent, and the remainder offered at equivalent rates to other intermediate housing offers.
MM21	Policy H3	<i>Change text as follows:</i> The Legacy Corporation will support provision of new specialist older persons' accommodation <u>to meet the identified annual benchmark of 17 per annum</u> within C2 or C3 uses which will be acceptable where:
MM22	Para 7.8	<i>Change text as follows:</i> Transport for London (TfL) and Network Rail are working closely together to develop Crossrail 2. The proposed route map as confirmed in 2015 <u>the 2018 Mayor's Strategy</u> would provide a link across London's <u>south-west to north-east corridor</u> from the north-east to the south-west . The concept of an eastern branch has previously been explored and focused on an alignment through Hackney, <u>Newham and beyond</u> and Haringey and Network Rail branches . An eastern branch could provide significant benefits to the Legacy Corporation area and continue to be a priority for the growth boroughs that it would include.
MM23	Para 7.13	<i>Change text as follows:</i> and new platforms network capacity improvements at Stratford Station.
MM24	Figure 25	<i>Amend to correct location of Jupp Road Bridge enhancement and amend to show Principal Connection enhancement for whole of Stratford Station.</i>
MM25	Figure 25	<i>Amend to correct IQL to Stratford waterfront as off-road connection.</i>
MM26	Policy SA1.7	<i>Change text as follows:</i> <ul style="list-style-type: none"> • Maximise the <u>Make provision of for at least seven</u> gypsy and traveller pitches.
MM27	Policy SA3.4	<i>Insert following text at the start of the first bullet point:</i> <u>The detailed development principles for this area will be formulated through the emerging Greater Carpenters Neighbourhood Plan.</u>

MM28	Policy SA3.4	<p><i>Add following text to first bullet point:</i> <u>Consideration will be given to a range of options including refurbishment, opportunities for infill development, comprehensive redevelopment and combinations of these options for the site allocation area.</u></p>
MM29	Policy SA3.4	<p><i>Add following text to start of the second bullet point:</i> <u>The precise size of the housing allocation will be determined following the outcome of consideration of the options referred to in the bullet point above, which will involve full community consultation, the site allocation is expected to yield a minimum of 2,300 new homes (gross), a total which may be substantially increased following discussions with the Community Forum and the landowners with an affordable housing threshold</u></p>
MM30	Para 5.20	<p><i>Change text as follows:</i> "The Mayor has set out appropriate income caps for his preferred intermediate tenures of London Living Rent and London Shared Ownership which will be applied. In relation to affordable housing allocations the Legacy Corporation will follow the approaches of the four boroughs. The Mayor's annual London Affordable Rent benchmarks shall be used as the starting point for <u>when setting appropriate rental rates, and other similar products should also demonstrate similar levels of affordability</u> <u>To ensure that intermediate units remain genuinely affordable, the guidance within the Mayor of London's Affordable Housing Viability Supplementary Planning Guidance (August 2017), or any future equivalent guidance published by the Mayor should be used. The Mayor updates the income ranges eligible for intermediate products in his Annual Monitoring Report.</u> Developers will be expected to demonstrate that they have engaged with a registered provider and secured a commitment for provision from the outset. Subject to the availability of appropriate funding, delivery of social rented accommodation within the area will be supported."</p>