

# Highams Park Neighbourhood Plan

## Report of Independent Examination

**Report to London Borough of Waltham Forest**

by the Independent Examiner:

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7 June 2019

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## **Summary**

1. From my examination of the submitted Highams Park Neighbourhood Plan and the supporting documents, including all the representations made, I have concluded that the Neighbourhood Plan should proceed to Referendum.
2. I have concluded that the plan does meet the Basic Conditions. In summary, the Basic Conditions are that it must:
  - Be appropriate to make the plan, having regard to national policies and advice;
  - Contribute to the achievement of sustainable development;
  - Be in general conformity with the strategic policies of the development plan; and
  - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
3. I have concluded that the plan meets the legal requirements in that:
  - It has been prepared and submitted for examination by a qualifying body – the Highams Park Planning Group, the Neighbourhood Development Forum;
  - It has been prepared for an area properly designated;
  - It does not cover more than one neighbourhood plan area;
  - It does not relate to “excluded development”;
  - It specifies the period to which it has effect – to 2033; and
  - The policies relate to the development and use of land for a designated neighbourhood area.
4. Overall, I have concluded that the Neighbourhood Plan should proceed to Referendum and, that if it does, the Referendum Area should be the same as the designated neighbourhood area.

## **1. Introduction**

- 1.1 I am appointed by the London Borough of Waltham Forest, with the support of The Highams Park Planning Group, the Neighbourhood Development Forum - the Qualifying Body - to undertake an independent examination of the Highams Park Neighbourhood Plan, as submitted for examination.
- 1.2 I am an independent planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

### **The Scope of the Examination**

- 1.3 It is the role of the Independent Examiner to consider whether making the plan meets the "Basic Conditions." These are that in making the Neighbourhood Plan it must:
  - be appropriate to do so, having regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the area; and
  - not breach, and must otherwise be compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.
- 1.5 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:
  - Has been prepared and submitted for examination by a qualifying body;
  - Has been prepared for an area that has been properly designated;
  - Meets the requirements that they must not include excluded development;
  - Relates to more than one Neighbourhood Area; and
  - Relates to the development and use of land.
- 1.6 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:
  - a) that it should proceed to Referendum, on the basis that it meets all legal requirements; or
  - b) that once modified to meet all relevant legal requirements it should proceed to Referendum; or
  - c) that it should not proceed to Referendum, on the basis that it does not

meet the relevant legal requirements.

- 1.7 Second, if recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Designated Area to which the Plan relates.

### **The Examination process**

- 1.8 I was formally appointed to examine the plan in April 2019. The default position is that neighbourhood plan examinations are conducted by written representations, which is what I have done. I carried out an accompanied<sup>1</sup> site visit on the 38 proposed Local Green Space designations on 23 May, given their number and extent; and unaccompanied site visits on or around the same time.

### **The Examination documents**

- 1.9 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Planning and Compulsory Purchase Act, Neighbourhood Planning Act and Regulations, the National Planning Policy Framework, Written Ministerial Statements and the Planning Practice Guidance) together with the development plan, the relevant documents that were furnished to me - and were identified on the Council's websites as the neighbourhood plan and its supporting documentation for examination - were:

- Highams Park Neighbourhood Plan – Submission version; with Neighbourhood Area map; Submission letter; and Annexe 1 (Plan Aspirations, Projects and Actions) and Annexe 2<sup>2</sup>
- Basic Conditions Statement; with Annexe 1 - HRA and SEA Screening Report
- Consultation Statement; and
- Responses received under Regulation 16 (referred to later).

### **The Qualifying Body and the Designated Area**

- 1.10 The Highams Park Planning Group (HPPG) was designated as the Neighbourhood Development Forum (the Qualifying Body) and the area that is the neighbourhood plan area were both designated on 15<sup>th</sup> July 2014 (valid for 5 years). The re-designation is currently out for consultation. There is no other neighbourhood plan for this area.

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<sup>1</sup> Accompanied by a representative of both Council and HPPG

<sup>2</sup> Annexe 2 is the Local Area Profile and was not supplied as a separate document but is in the Consultation Statement as one of the evidence base documents.

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<sup>3</sup> The consultation page 10/20 of the plan was based on small scale and did not enable me to

## **The Neighbourhood Plan Area**

- 1.11 The plan area covers some 376 hectares and has a population of 17,268 in 6,458 households (some 40% in owner occupation, with a mortgage or loan). 73% are economically active with the highest proportion (20%) in professional occupations.
- 1.12 The area has reasonably natural boundaries on three sides: Epping Forest, the Highams Park and the A104 to the east, the North Circular to the south and New Road/A1009 to the north. It spans four local wards and encompasses a number of local neighbourhoods such as Hale End, Oak Hill and Mallinson Park. The plan area is dissected by the Overground line running north/south; Highams Park station – and the district centre around it – is roughly at the epicenter.
- 1.13 The Local Area Profile maps the range of local schools, GP surgeries, dental surgeries, places of worship, parks, sports fields and clubs as well as the other amenities and social infrastructure of the plan area.

## **2. Neighbourhood Plan preparation and public consultation**

### **The Neighbourhood Development Plan**

- 2.1 The plan is in 13 main sections, with 4 appendices and 2 Annexes. After some introductory notes, a foreword and two introductory chapters, section 3 sets out the vision and objectives of the plan. The overall vision is that: *“The Highams Park Area will continue to be an area of beautiful, well maintained green spaces, characterful, high quality homes with a thriving commercial centre and a vibrant community at its heart”*.
- 2.2 In order to achieve this vision the plan sets out four broad aims (in a nutshell): to manage change; to preserve and enhance facilities; to enhance and protect character; and to enhance and protect the built environment and greenspaces. The chapter then explains that the vision and aims will be delivered through seven sets of objectives. These become the first seven policy chapters - 4-10:
- 1) Greenspace and natural environment
  - 2) Public and community facilities
  - 3) Business, employment and economic development
  - 4) Transport and parking
  - 5) Housing development and affordability
  - 6) Character, design and public realm
  - 7) Sustainability
- 2.3 Sections 11 and 12 add two more policy chapters, dealing with Guidance for Development of Sites (11) and Developer Contributions (12), respectively. The final chapter (13) covers the Delivery Plan.

2.4 There are four appendices:

- 1) Local Area Ward Map;
- 2) Local Green Spaces<sup>3</sup>;
- 3) Character Assessment Areas (9 in all, though there isn't one for Area 8); and
- 4) Locally significant views.

2.5 The plan includes two Annexes: Annex 1 is essentially an advocacy document that contains non-land use policy matters and is published separately to the plan itself. Annex 2 is the Local Area Profile, a statistical document that is found among the background evidence base material.

### **Strategic Environmental Assessment and Appropriate Assessment Screening**

2.6 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC a SEA is required of plans and programmes which “determine the use of small areas at a local level”. Directive 92/43/EEC, on the conservation of natural habitats and wild flora/fauna, commonly known as the Habitats Directive, provides for the protection of habitats and species of European Community importance. Consultants carried out Screening Assessments under both SEA and HRA regimes and concluded that the plan will not result in adverse effects on European sites; and that the plan is not likely to have significant environmental effects and therefore a SEA is not required. The main reason given is that the plan does not allocate any land for development.

2.7 The Borough Council is the “responsible authority” and determines if the plan is likely to have significant environmental effects. A formal Screening Report regarding the need for a Strategic Environmental Assessment or a Habitats Regulations Assessment was prepared by CAG Consultants (a appended to the Basic Conditions Statement) and concluded that the plan would not require a Strategic Environmental Assessment or an Appropriate Assessment under the HRA Regulations as it would not be likely have significant environmental effects.

### **Human Rights and European Obligations**

2.8 I have no reason to believe that making the plan would breach or is incompatible with the European Convention on Human Rights or other EU obligations.

### **Plan period**

2.9 The neighbourhood plan clearly states, in section 1.8 and elsewhere, that it covers the period to the end of 2033, which is co-terminus with the London

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<sup>3</sup> The mapping on pages 41/2 of the plan was at a very small scale and did not enable me to properly examine all 38 proposed designation sites; individual OS-based maps were subsequently supplied to me for the site visit – see 4.9 on GNE1.

Plan growth target for the borough, rather than the adopted Core Strategy (which is to 2026).

### **Excluded development**

- 2.10 A neighbourhood plan cannot include policies for excluded development, such as minerals and waste. I have concluded that the plan does not do so.
- 2.11 The plan, in setting out the non-land use policies in an Annex, follows national Guidance:

*“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* ID: 41-004-20170728

### **Public consultation and responses to the submitted plan**

- 2.12 The Consultation Statement sets out the extensive work of The Highams Park Planning Group (HPPG) to engage the local community. The HPPG started in late 2013 at a launch event attended by hundreds of local residents and workers. Since then a series of events and activities have been conducted to engage local people; and HPPG now has about 1000 members. There were two main stages of plan consultations: an informal stage on a draft plan from March to May 2017; and with statutory consultees July to August 2018. The draft was amended where appropriate to reflect local and other views.

- 2.13 The plan summarises, at para 1.20, the main things people were in favour of:

- 1) Protecting and enhancing green spaces and directing development at making better use of existing developed sites;
- 2) The development of specific planning guidance for the area;
- 3) A more coordinated approach to planning decisions;
- 4) Stronger adherence to planning policies and enforcement;
- 5) Greater efforts to protect buildings and the street environment in conservation areas, areas of special character and other, as yet undesignated, areas; and
- 6) More positive and thorough engagement by developers with the community prior to submission of planning applications.

- 2.14 The draft plan was submitted to the Council on 14<sup>th</sup> November 2018. Public consultation took place from 7<sup>th</sup> January to 18<sup>th</sup> February 2019. A total of 34 parties made representations: 12 public bodies (including LB Waltham Forest, from various departments) and 22 members of the public. The parties raising substantive matters included: Environment Agency, Transport for London, the Greater London Authority, Thames Water and the Council as well as a

number of local residents (though most local resident representations were simply supportive of the plan, generally or as a whole, some making specific comments). Some statutory bodies had no comments.

- 2.15 The Borough's submitted representations criticized the plan for not taking into account changes in higher level policy frameworks, such as the draft London Plan and the Council's own Direction of Travel document (December 2017), which forms part of the emerging Local Plan. The Council felt that it was out of date and there was a risk that the plan may not conform to the emerging Local Plan. They also submitted additional representations to me, on the same theme, soon after I began the examination, which I declined to accept as too late.
- 2.16 However, this argument misses the point that it is for the HPPG to decide when to draft their plan, which can be brought forward ahead of emerging development plans, even though the latter will later take precedence. In any event the plan is to be examined against its *general* conformity with the *strategic* policies of the development plan as it stands.

### **3. The Neighbourhood Plan in its planning and local context**

#### **National policies and advice**

- 3.1 The neighbourhood plan must have regard to national policies and advice, contained in guidance issued by the Secretary of State, and contribute to the achievement of sustainable development (the first two Basic Conditions). As this plan was submitted for examination before 24<sup>th</sup> January 2019, it will be examined under the 2012 version of the National Planning Policy Framework (the Framework), as per the transitional arrangements in para 214.
- 3.2 Paragraph 16 of that Framework is concerned with neighbourhood planning:
- “The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:*
- *“develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; [and]*
  - *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;”*
- 3.3 The Framework further explains, at para 184 (second sentence onwards) that:
- “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area”. And: “Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development*

*than set out on the Local plan or undermine its strategic policies.”*

- 3.4 The Framework’s policy guidance on Local Green Space designations is set out at para 77, which sets out three conditions (the second being in two parts), all of which must be fulfilled:

*“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”*

- 3.5 The neighbourhood plan must give sufficient clarity to enable a policy to do the development management job it is intended to do, having due regard to Guidance. For example:

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”* (Ref ID:41-041-20140306).

- 3.6 There has to be appropriate evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. The Guidance states (Ref 41-040-20160211):

*“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. **Proportionate, robust evidence should support the choices made and the approach taken.** The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.*

*A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body .....*

*Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.*

*In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”.*

- 3.7 The Basic Conditions Statement (BCS) sets out how the policies in the Neighbourhood Plan relate to the Framework – see Table 2.2 second column, for example - noting that the transitional arrangements would apply.
- 3.8 I have concluded that the plan, if modified, is sufficiently consistent with national policy and also seeks to promote sustainable development – both Basic Conditions.

### **The Development Plan - strategic policies**

- 3.9 A neighbourhood plan must be in *general* conformity with the *strategic* policies of the development plan for the area. The development plan is:
- The London Plan (LP) 2016 (which runs to 2036); together with
  - LBWF Core Strategy DPD 2012 (which runs to 2026); and
  - LBWF Development Management DPD 2013.

- **London Plan**

- 3.10 The London Plan (LP) is part of the development plan. In one sense all LP policies are strategic but not all are directly relevant to the neighbourhood plan. The Basic Conditions Statement (BCS) does not make a direct assessment of how the plan meets the London Plan policies, possibly as the authors did not realise it was formally part of the development plan; the neighbourhood plan quotes from the London Plan where deemed relevant.
- 3.11 The LP does not contain specific policies for Highams Park though there are parts of the plan area, such as Epping Forest for example (Strategic Open Space), which are covered by LP policy; but there are no strategic development allocations, no Opportunity or Intensification Areas. Relevant policies include Protecting Open Space and Addressing Deficiency. The London Plan is at an advanced stage of review; the new plan was published in December 2017, was consulted upon in March 2018 and commenced Examination in January 2019; publication is due in Winter 2019/20.

- **Core Strategy and development Management DPDs**

- 3.12 The BCS sets out at Table 2.2 its view of how the plan relates to the Local Plan. In this table there is no particular distinction between general and strategic policies. In section 4 of the BCS contains a (very short) commentary on the relevant Basic Condition but does not identify which policies are considered to be strategic. In any event there are no site specific policies identified in the BCS, which seems to have influenced the approach taken.
- 3.13 The Core Strategy, adopted in 2012, runs to 2026. It seeks to accommodate a borough-wide total of 10,320 new homes (plus an allowance for conversions

etc) to meet its targets. The BCS identifies the following policies as relevant (without distinguishing those considered strategic):

- CS2 Improving housing quality and choice
- CS3 Providing infrastructure
- CS5 Enhancing green infrastructure and biodiversity
- CS7 Developing sustainable transport
- CS8 Making efficient use of employment land
- CS12 Protecting and enhancing heritage assets
- CS14 Attractive and vibrant town centres
- CS15 Well designed buildings, places and spaces

3.14 The neighbourhood plan area, which is part of Chingford in the context of the CS, has few area-specific policies and proposals. The area is not one of the four main growth areas, which are located to the south, and there is little of note on the key diagram. Highams Park is a District Centre, a notable conservation area is Ropers Field (a mid-1940's garden suburb); there is the Highams Area of Special Character covering the Highams Park Estate; and there is one Borough Employment Area (no 13).

3.15 The BCS lists policies from the Development Management DPD, adopted in 2013, again not necessarily distinguishing the strategic, including:

- DM2 Meeting housing targets
- DM5 Housing mix
- DM12 Open space and recreation
- DM13 Land use and transport
- DM14 Sustainable transport networks
- DM 16 Managing private motorized transport
- DM17 Social and physical infrastructure
- DM18 Strategic industrial locations [though there are none]
- DM19 Borough Employment Areas
- DM20 Non-designated employment areas
- DM23 Health and well-being
- DM24 Managing town centre uses
- DM28 Heritage assets
- DM29 Design principles, standards and
- DM34 Water
- DM35 Biodiversity and geodiversity

3.16 The Council is preparing a new Local Plan. An Issues and Options document was consulted on between November-December 2017; a draft plan is due to be published in July 2019.

3.17 Overall, I have concluded that the NDP is in general conformity with the strategic policies of the development plan for the area.

## 4. Greenspace and natural environment

- 4.1 The first policy - **Policy GNE 1** - deals with the designation of Local Green Space (LGS). A total of 38 sites are proposed, covering four main categories: General - Street Greens, Green Corridors, Green Pockets and other parks, as well as all Epping Forest Lands) (and cross referenced to Appendix 2) - The Highams Park, Sports Grounds and playing fields (7 in all) and Allotments (4). As with all the other policy sets, the actual Policy is set in a blue box and the supporting Policy Context in a green box. Appendix 2 comprises a list (not in number order) and their locations, set out on two general plans (eastern and western sites). None of the proposed sites can be identified by reference to OS-based site plans, though these were supplied subsequently at my request (and to enable me to conduct the accompanied site visit).
- 4.2 The basis for designating LGS is para 77 of the Framework (quoted in 3.4, earlier); this is repeated in the introductory text of Appendix 2. This explains that it is not appropriate for all green areas, that all the criteria have to be met and that the designation is equivalent to Green Belt. The approach taken by the neighbourhood plan raises the following issues: do all the proposed sites meet all of the criteria? And does the policy itself – the drafting is quite extensive - fit the straightforward purpose of para 77 of applying the equivalent protection of green belt policy?
- 4.3 The plan's justification for designation is explained as being “... *in accordance with the relevant NPPF criteria (1,2,or 3) ... stated in the right-hand column.*” In fact the table identifies the criteria as “a, b or c”; the Framework simply has bullet points. In every case only one criterion is selected, which misses the point that all the criteria have to be met – the “and” between the Framework's last two bullets being significant. Also, there is no explanation as to how the location meets the particular criterion. This is especially important in explaining why a site is “*demonstrably special to a local community*” or “*holds a particular local significance*”. Only the columns entitled “Character Assessment Area” – and the text of the relevant assessment - and “Current Designations/Protections” give a clue. The Evidence base links in the CS do not offer any additional justification.
- 4.4 The Health Check criticized (see HC para 28) the lack of any justification “in any instance” at the Submission Draft 5 stage. It seems that the paucity of evidence was partially acted upon as the HPPG prepared a document called Local Green Spaces Justification used in local consultations in January 2019 and supplied to me during the examination. This document seeks to provide “... *evidence of significance to the local community, recreational value, historical significance and richness of wildlife*”. In fact, it provides patchy evidence of compliance with the Framework criteria, and not for all the sites.
- 4.5 Using the categories in the document, and in the light of the justification provided and my own observations, I have reached the following main conclusions on the Framework's second bullet:
- Street Greens (9 listed in App 2): There is a general commentary and

some specific (mostly factual) detail on six of the spaces. I did not find sufficient justification for these spaces.

- Green Corridor (the areas bounding Brookfield Path): I found that the case for this was reasonably well argued.
- Green Pockets (6 are listed in App 2, inc two pairs): again, I found the case for designation reasonably well argued.
- The Highams Park: the material provides sufficient justification in my view.
- Mallinson Park: again, I found that the material provides sufficient justification
- Larkswood Park and Playing Fields (= 2, as listed separately in App 2): the commentary provides sufficient justification
- Vincent Road Open Space: the commentary again provides sufficient justification
- Allotments (4 are listed in App 2): the commentary provides sufficient justification
- Playing Fields (9 are listed in App 2; only 7 are covered): The material is mostly factual and doesn't cover much of what makes them "demonstrably special", for example. While I can see the argument for their inclusion, the proposals do not, overall, have the robust and proportionate evidence to support their designation.
- The 5 parcels of Epping Forest are not included. Their special status is acknowledged in strategic policy and they are part of the wider Forest, protected by Act of Parliament.

4.6 I am able to reach my own conclusions on the first and third criteria, being largely matters of fact: I am reasonably satisfied that all are "in reasonably close proximity to the community it serves" (first criterion). However, the designation of all the Epping Forest lands is not appropriate, in my view, as they are not "local in character" – being part of a large strategic designation - and are cumulatively an extensive area of land, so failing the third criterion. In any event I found no supporting evidence presented for their designation as LGS. The others satisfy the third criterion, in my view.

4.7 Various local residents made representations on this. One suggested strengthening the case for protecting the named green spaces with more detailed information/evidence against the Framework's criteria; and given the Act of Parliament felt it was not necessary to include Epping Forest. Another noted the omission of Cavendish Path, a shared cycle and pedestrian path, though now dilapidated. Yet another suggested that the policy could be extended to other forms of space, such as front gardens to protect them from

being concreted over. The GLA welcomed the requirement to protect and enhance green spaces. The Environment Agency was disappointed that the River Ching/Ching Brook is not recognized as an important green space.

- 4.8 The text of Policy GNE1 covers more than LGS designation. Some text is in fact justification and the future of the café/structure known as Humphry's does not belong in this section. LGS is equivalent to green belt and national policy applies; so the guidance on development (paras 4.1 4) is not appropriate. Nevertheless, I consider the text is capable of being significantly modified to enable it to suit the purposes of LGS in the Framework.
- 4.9 The mapping in the submitted plan is wholly inadequate to enable designation of the specific sites. I **recommend** that all finally designated sites be shown on individual OS-based plans (with clear boundary outlines) - as well as being identified by the same number as in the policy; the location on a general plan, as in Appendix 2, is helpful. The mapping provided to me for the accompanied site visit had a number of errors, which need to be corrected.
- 4.10 In conclusion, I **recommend** that **Policy GNE1** – and the associated mapping - be modified in the following way:

“The following green spaces and areas (identified on the location plan(s) at Fig xx and the site plans at Appendix xx) are designated as Local Green Space:

[list with matching unique numbers to plans

- Green Corridor
- Green Pockets
- The Highams Park
- Mallinson Park
- Larkswood Park and Playing Fields
- Vincent Road Open Space
- Allotments]

New development will not be supported other than in very special circumstances.”

## **5. Public and community facilities**

- 5.1 The second policy set (**Policies PCF1 and 2**), in chapter 5, concerns the protection and re-use of public and community facilities. While there is no site assessments the justification is reasonably well argued and the need for protection comes across in the public consultation exercises.
- 5.2 The policy is sufficiently clear for development management purposes; though the missing paragraph numbers after 5.11 need adding. Although the objectives of this policy are reasonably well covered by the development plan I find that the policy complies with the Basic Conditions.

## 6. Business, employment and economic development

- 6.1 The third policy set (Policies BED1, 2 and 3) covers employment and retail uses.
- 6.2 **Policy BED1** seeks to protect and control development on designated employment sites. The GLA welcome the plan's ambitions to protect business floorspace and employment sites but regard the specific approach in the policy to not be in conformity with the London Plan. In any event, the drafting is not wholly clear on the objectives and how they are to be achieved. For example, para 6.1 refers to only "designated" sites, but apart from the one Borough Employment Area (BEA 13) - referred to in the policy and with the CS proposals map extract reproduced at Fig 3 - it is not clear which sites the policy is referring to. I assume the policy is meant to apply to employment sites generally (possibly undesignated ones as well) given the reference to the Penny Business Estate (para 6.13) and the statement in para 6.14 but with no glossary, a definition is needed.
- 6.3 In terms of drafting, para 6.3 is too vague as it refers to "Development" which could be anything anywhere; while para 6.4 simply repeats development plan policy. I **recommend** that both paragraphs be deleted. The focus on BEA13 is understood but the restriction of 50% is not justified (indeed is probably at odds with the latest research from the London Industrial Demand Study 2017); there is no evidence to support this; it is not consistent with development plan policy; and the development plan seems capable of delivering the plan's objectives. The support for development in para 6.6 is expressed in universal terms whereas this may not be the intention; its possibly only related to employment development. Para 6.7 is too vague and not compatible with national policy on employment sites, to meet the Basic Conditions.
- 6.4 In conclusion, I consider this policy needs an overhaul so that it is clear, justified and meets the plan's objectives in its operation as a development management tool to meet the Basic Conditions. In proposing modifications I am judging that the plan authors intended to promote economic development and to generally protect employment sites. I therefore **recommend** that Policy BED1 be modified as follows:

"repeat 6.2

repeat 6.6, replacing *shall* with *will*

Development proposals that result in a reduction in employment will generally be resisted"

- 6.5 **Policy BED2** deals with shops, restaurants and other uses in Highams Park District Centre. The GLA requests that the plan be clear that additional residential development is supported (as per LP policy SD8). The district centre is covered by CS Policy DC3, and elsewhere, so the plan has tended to repeat this and to add little by way of a local perspective. The exceptions are

in relation to upper floors – supporting alternative uses – and the evidence on healthy high streets – in relation to the number of takeaways. The evidence for restricting betting shops, however understandable from consultation responses, was not there. The reference to policies outwith the plan that may well change should be omitted, for clarity. Accordingly, I **recommend** that Policy BED2 be modified as follows:

“repeat 6.16 with the addition of “Highams Park District Centre” before HPDC]

repeat 6.17

repeat 6.18

repeat 6.19 but delete second sentence

repeat 6.20 but replace the word “Council” with Core Strategy”

repeat 6.21 but replace the word “Council” with Core Strategy”

delete 6.22

- 6.6 **Policy BED3** deals with shops outside the district centre. This seeks to restrict the range of uses to A1, 2 or 3 categories. This is understandable but the plan and its supporting documents do not provide robust and proportionate evidence to justify this. In any event the aims are mainly covered by development plan policy. I **recommend** that the word “generally” be inserted before the word “retained” for clarity, to meet the Basic Conditions.

## **7. Transport and parking**

- 7.1 The two policies in this set seek to promote sustainable modes of transport while accommodating the motor car by supporting parking up to maximum standards. The plan tries to hold these, contradictory, aims in tension. Transport for London (TfL) notes that:

*“Parking provision has been raised as an issue which the Plan explicitly seeks to mitigate. The Plan proposes that all development outside of Highams Park District Centre should provide the maximum number of parking spaces allowed in the adopted London Plan. This is unacceptable. Given the maximum standards within the adopted London Plan developers would be able to achieve a minimum of one parking space per home, an issue that was raised by TfL in the last round of consultation.”* They also point out that: *“If the higher parking standards are related to concerns about the potential for overspill parking, the Council and Neighbourhood Forum should consider measures to overcome that including the extension of Controlled Parking Zones (CPZ) along with improvements to walking and cycling routes to support active travel.”*

- 7.2 **Policy TPR1** promotes a range of sustainable transport modes, listed in the

policy. The supporting justification echoes national policy towards the promotion of sustainable development, a Basic Condition. This is supported by TfL.

- 7.3 **Policy TPR2** is concerned to encourage the safe movement of traffic on local roads. The plan's concern is that as there is a finite supply of on-street parking, reasonable provision must be made off-site in order to support highway safety and the safe movement of traffic. As TfL point out, this approach "...takes no account of accessibility or local connectivity and in effect seeks to adopt minimum standards." The Council makes similar points and also object to this policy. I agree that it is not sufficiently justified and **recommend** that it be deleted.

## 8. Housing development and affordability

- 8.1 The plan does not allocate any sites for development. However, the two policies in this chapter promote housing types to suit the locality and to control sub-divisions; and there is a connection to perceived local parking stress. The GLA suggest that the plan should note that the London Plan affordable housing target is 50% and that the draft plan adopts a threshold approach.
- 8.2 **Policy HDA1** seeks to do two things: (a) to promote housing types that are appropriate for all sections of the community, including affordable housing; and (b) to secure homes for local need. The objective is to better match the housing stock with the plan aim of accommodating young households of family-forming age, which is currently under-represented.
- 8.3 In my view, the first part is a positive policy and simply needs to be expressed in clearer terms to meet the Basic Conditions. The second part is more problematic, as it includes (third bullet) a local occupancy condition. Whilst the intention is understood and it can be seen as a way to focus the limited number of development sites to locally connected first-time buyers and families, there isn't the robust and proportionate evidence to justify such a policy approach. That part of the policy, and supporting text 8.10, therefore, needs to be removed to comply with the Basic Conditions.
- 8.4 Accordingly, I **recommend** that Policy HDA1 be modified as follows:

"Provision of locally specific housing appropriate for all sections of the community, including affordable housing, will be supported.

Residential development in Highams Park District Centre (HPDC) that meets the local need for particular home types will be supported, including:

- Apartments suitable for downsizing for older households and for younger first time buyers
- Family housing outside HPDC comprised mainly of three and four bedroom houses with gardens suitable for families

Developments of self-build or custom-built homes will be supported."

- 8.5 **Policy HDA2** concerns the sub-division of homes, a matter already covered in some detail by development plan Policy DM6B. The plan seeks to finesse that policy due to local concerns about the condition of some properties in the area that have been converted under it. Thus, minimum space standards are introduced as well as linking it to plan Policy TPR2 on parking standards. The GLA point out that this policy is at odds with London Plan policy 3.5 and that the in the national Space Standards the minimum threshold is 39 sqm. However, in seeking to support the choice of a specific space standard there is no adequate explanation nor is it robustly justified; and I recommend that the parking policy be deleted. Accordingly I **recommend** that the whole policy be deleted.

## **9 Character, design and public realm**

- 9.1 The sixth policy set – **Policies CDP1 and 2** – are concerned with respecting heritage assets, the promotion of high quality design and to ensure development reflects the local distinctiveness of the plan area’s different character areas, as set out in Appendix 3, which provides the appropriate evidence base to justify the policies.
- 9.2 TfL welcome the plan’s aspirations to remove street clutter. The Council also support the aims of these policies. They see that the Character Assessment has the potential to be a useful tool; and they note that a thorough assessment has gone into this section, particularly in identifying unique character and landmarks. They are, however, hesitant about identifying too many “local” designations, which could be confusing.
- 9.3 Historic England strongly recommends that CDP1 acknowledges archaeological and well as built heritage. I accept this is an omission and accordingly **recommend** that para 9.2 includes the words “archaeological assets” before “and listed buildings.”

## **10 Sustainability**

- 10.1 There is only one policy in this section – **Policy SUS1** - concerned with biodiversity and nature conservation, so that could be the title of this section.
- 10.2 The Environment Agency (EA) welcomes the specific mention of the River Ching/Ching Brook. They consider that the supporting text could be strengthened to give specific mention to WFD, which includes causing no overall deterioration in water quality or the ecological status of any water body in line with para 174 of the Framework. They recommend that certain measures should also be considered for proposed development near the River Ching/Ching Brook, which would complement the supporting text of this policy, including references to a buffer zone, invasive species and light spill – see reps. I **recommend** that their three bullets are added to the supporting text, say after 10.11.

## **11. Guidance for development of sites**

- 11.1 **Policy GDS1** seeks to ensure that any development of five homes or more is informed by consultation with plan area residents. This is not a land-use policy and so should be added to Annex1. The plan cannot require such consultation. I **recommend** that it be deleted.

## **12 Developer contributions**

- 12.1 Section 2 of Annex 1 sets out, in Table 2, those plan projects which the community seeks to have funded via developer contributions or the Community Infrastructure Levy. **Policy DCO1** seeks to achieve this, as explained in section 13 of the plan (Delivery). The Council query how the outcomes from this policy are to be managed. As drafted it is part advocacy and part policy and so needs to be modified to meet the Basic Conditions

- 12.2 I **recommend** that Policy DCO1 be modified as follows:

“Community Infrastructure Levy funds to be expended in the plan area should be focused on the projects listed at Table 2 in Annex 1.

Where appropriate, developer contributions should be directed to mitigating impacts on the plan area

Where appropriate, funding for maintenance of landscaping or other facilities, should be secured as an up-front capital contribution.”

## **13 Mapping, figures, appendices and the annexes**

- 13.1 The plan lacks an overall policy map, one that would help to encapsulate its main policies and proposals. In some places the plan reproduces a plan from the development plan; in those cases (Fig 2 and 3 for example) they need to have a key and a cross-reference.
- 13.2 The LGS mapping needs resolution: None of the proposed sites is covered by individual mapping; my para 4.9 includes a recommendation that each designated site is represented on an accurate, individual, OS-based site plan.
- 13.3 In terms of appendices, Appendix 1 is only helpful if it has the plan area superimposed. Appendix 2 is no longer necessary, as the LGS designations will now be included in the policy. The site locations on the maps (eastern and western) in Appendix 2 will need renumbering to match the list in modified policy GNE1. Appendix 3 (Character Assessment Areas) needs to remain, as do the views in Appendix, to support their respective policies.
- 13.4 Annex 1 is an integral part of the plan; while Annex 2 is background and can be moved, say to the HPPG website, or retained solely as a link in the plan.
- 13.5 I **recommend** all these modifications, to enable the plan to have the requisite clarity to meet the Basic Conditions.

## 14 Referendum Area

14.1 The Planning Practice Guidance on the Independent Examination explains:

*“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.”*

Reference ID: 41-059-20140306

14.2 There are no formal development site allocations in this plan and in my view the nature and scale of what it proposes would not *have a substantial, direct and demonstrable impact beyond the neighbourhood area*. I therefore **recommend** that the Referendum Area be the same as the designated neighbourhood area, if the plan proceeds to referendum.

## 15 Conclusions and recommendations

15.1 I can see that the HPPG and its volunteers have put in a great deal of hard work into the submission of the plan and the supporting documents. It seeks to represent the local community’s aspirations, which it does well. Where it has not succeeded so well is in the way some policies have been evidenced.

15.2 Overall, from my examination of the submitted Neighbourhood Development Plan, together with the supporting documents, including having regard to all the representations made, I have concluded that the making of the plan will meet the Basic Conditions; also that the legal requirements are met. I have set out my conclusions, drawn from the findings in my report, in the Summary, on page 3.

15.3 In summary, I **recommend** that the Highams Park Neighbourhood Plan should proceed to referendum. And I **recommend** that if the plan does proceed to referendum then the Referendum Area should be the same as the designated neighbourhood area.

15.4 Finally, my thanks to both the Council and the Highams Park Planning Group for their support in the examination.

John Parmiter FRICS FRSA MRTPI

7 June 2019

Independent Examiner

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