

Report to the Council of the London Borough of Bexley

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Inspectors appointed by the Secretary of State

Date 28 February 2023

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Bexley Local Plan

The Plan was submitted for examination on 30 November 2021

The examination hearing sessions were held between 10 May 2022 and 21 June 2022 and on 4 October 2022

File Ref: PINS/D5120/429/7

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Abbreviations used in this report

BRT	Bus Rapid Transit
CSTW	Crossness Sewage Treatment Works
DLR	Docklands Light Railway
GLA	Greater London Authority
LPTA	Local Plan Transport Assessment
LSIS	Locally Significant Industrial Sites
MTS	Mayor's Transport Strategy
MM	Main Modification
MOL	Metropolitan Open Land
NH	National Highways
NHS	National Health Service
NPPF	National Planning Policy Framework
PTAL	Public Transport Access Level
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Locations
SINC	Sites of Importance for Nature Conservation
SoCG	Statement of Common Ground
TfL	Transport for London
UOS	Urban Open Space

Non-Technical Summary

This report concludes that the *Bexley Local Plan* provides an appropriate basis for the planning of the London Borough of Bexley, provided that a number of main modifications [MMs] are made to it. The Council has specifically requested that we recommend any MMs necessary to enable the plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six week period. In some cases we have amended their detailed wording. We have recommended their inclusion in the plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Changes to make the plan less restrictive of appropriate development outside the Sustainable Development Locations
- Clarification of the housing requirement figure for the full plan period
- Clarification of the approach to securing affordable housing
- Clarification of the requirement for employment floor space
- Changes to more clearly define Urban Open Space (UOS) and the policy requirements applying to it
- Clarification that the plan will work towards achieving, rather than achieve, sustainable development
- Revision of the site allocation policies and their supporting text and diagrams to clearly distinguish policy requirements, indicative guidance and contextual information
- A number of other changes to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the *Bexley Local Plan* in terms of Section 20(5) of the *Planning and Compulsory Purchase Act 2004* (as amended). It considers first whether the plan's preparation has complied with the duty to co-operate. It then considers whether the plan is compliant with the other legal requirements and whether it is sound. The *National Planning Policy Framework 2021* (paragraph 35) (NPPF) makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. 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 *Bexley Draft Local Plan Proposed Submission Document (Regulation 19 Stage)*, submitted in November 2021 is the basis for our examination. It is the same document that was published for consultation in May 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we recommend MMs necessary to rectify matters that make the plan unsound and /or not legally compliant and thus incapable of being adopted. This report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM001**, **MM002** etc, and are set out in full in the Annex.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light we have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary we have highlighted these amendments in our report.
5. In adopting the plan the Council may make additional modifications to it so long as these individually or cumulatively do not materially alter the policies of the plan. The Council has consulted on the additional modifications it proposes to make to the plan, most of which are minor typographical or factual corrections, changes to supporting text consequential to the main modifications or additional textual references suggested by representors. We also understand that it intends to slightly modify some of the published additional modifications in the light of the consultation comments on them. Whilst likely to be helpful to the

reader, these changes are not ones we consider are necessary for the plan to be sound and, therefore, are not identified as main modifications.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map is the *Submission Policies Map Proposed Submission Document (Regulation 19 Stage) May 2021*.
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs (*Consultation on the Main Modifications to the Draft Local Plan (Reg 19) and changes to the submission policies map, November 2022*).
8. When the plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the Council will need to update the adopted policies map to include the changes proposed in *Submission Policies Map Proposed Submission Document (Regulation 19 Stage) May 2021* and the further changes published alongside the MMs in Table 3 of *Consultation on the Main Modifications to the Draft Local Plan (Reg19) and changes to the submission policies map, November 2022*.

Context of the Plan

9. The plan is proposed to replace in full the *Bexley Core Strategy* and remaining extant policies of the *Bexley Unitary Development Plan and Proposals Map*. It will, with the Mayor's *London Plan 2021*, form the development plan for the area. Bexley is an outer London Borough located in south-east London.

Public Sector Equality Duty

10. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. In particular this has included consideration of several matters during the examination including accommodation for older people and for Gypsies and Travellers.

Assessment of Duty to Co-operate

11. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the plan's preparation.
12. The Council's *Statement of Compliance with the Duty to Co-operate* is credible in identifying the following strategic matters of relevance to the plan: housing for the settled community, Gypsy and Traveller accommodation, the economy, the environment and character and infrastructure. For each matter it details the specific areas of co-operation and the organisations with which the Council has engaged in preparing the plan. The statement is supported by statements of common ground with neighbouring local authorities, the Greater London Authority (GLA), Transport for London (TfL), Sports England, Thames Water, the Environment Agency, the NHS and National Highways (NH). The Local Nature Partnership is not a body with which the Council is required to engage in respect of the Duty to Co-operate. Nonetheless, there is evidence of appropriate consultation with the partnership in respect of the plan.
13. Whilst some, relatively minor, areas of disagreement about the content of the plan remain between the Council and some of the bodies listed above, there is evidence of constructive, active and on-going engagement about these issues. Consequently we are satisfied that the duty to co-operate has been met.

Assessment of Other Aspects of Legal Compliance

14. The plan has been prepared in accordance with the Council's *Local Development Scheme*.
15. Consultation on the plan and the MMs was carried out in compliance with the Council's *Statement of Community Involvement*. Whilst the plan has not necessarily been altered to reflect some of the consultation comments received, this is not evidence of legal failure. And in this regard it must be borne in mind that, notwithstanding consultation comments received, the plan must by law be in general conformity with the *London Plan*.
16. The Council carried out a sustainability appraisal of the plan, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under Regulation 19. The appraisal was updated to assess the main modifications.
17. The *Habitats Regulations Appropriate Assessment Screening Report* (May 2021) sets out that an appropriate assessment has been undertaken in respect of the plan's effects on certain relevant habitats but that with mitigation measures which are secured through the plan, there would not be significant

effects on the habitats. The report was updated to assess the main modifications and the conclusion remains unchanged.

18. The development plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area as set out in the "Bexley Local Plan spatial objectives" in Table 2 of the plan.
19. The development plan, taken as a whole, 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. This includes policy SP1 relating to the location of new development and policy SP14 concerning mitigating and adapting to climate change.
20. Subject to a number of MMs, and for the reasons detailed elsewhere in this report, the plan is in general conformity with the spatial development strategy for the area (the *London Plan*).
21. The plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

22. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing sessions, we have identified nine 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 necessarily specifically refer to every policy, policy criterion or allocation in the plan.

Issue 1 – Whether the spatial strategy is based on robust evidence, is justified and is in general conformity with the *London Plan*?

Sustainable Development Locations

23. Policy SP1 details how the plan's spatial strategy will help achieve sustainable development in Bexley. In particular it sets out general principles with which all new development must (where appropriate) comply – these being consistent with the thrust of the NPPF and in general conformity with the *London Plan*. The policy also details the identified Sustainable Development Locations, defined on the policies map, which, along with the Thamesmead and Abbey Wood Opportunity Area and designated industrial locations, are appropriately

stated to be the parts of the borough best able to accommodate the housing, industrial and commercial growth identified for Bexley.

24. With the exception of the need for a minor adjustment in Crayford, detailed in Issue 4 below, the Sustainable Development Locations have been defined on a robust basis, relating to distance from town centres and railway stations and public transport access levels. These are reflective of the locations policy H1 of the *London Plan* identifies as suitable for optimising the potential for housing delivery. Given that the identified housing needs (see Issue 2) can be met there, it is also appropriate that the plan's residential and residential-led mixed-use allocations are all within either a Sustainable Development Location or the Thamesmead and Abbey Wood Opportunity Area.
25. However, as submitted, the plan is relatively restrictive of development outside of the areas specified in policy SP1, which states that development will only be supported where (amongst other things) it demonstrably contributes to sustainable development. The plan does not indicate how a development could be shown to "demonstrably contribute to sustainable development" and, thus, there would be the potential for some or even most development outside of the designated areas to be refused permission. Given that much of Bexley outside the Sustainable Development Locations, the designated industrial locations and the Thamesmead and Abbey Wood Opportunity Area, is established residential areas, the policy has the potential to be inappropriately restrictive. Moreover, it is not consistent with policy H1 of the *London Plan*, which identifies a range of locations where housing should be optimised, not simply the locations which broadly correspond with Bexley's Sustainable Development Locations.
26. Consequently, in order that the plan is positively prepared and in general conformity with the *London Plan*, **MM002** is required to state that development compliant with other policies of the plan will be supported outside the Sustainable Development Locations, designated industrial locations and Thamesmead and Abbey Wood Opportunity Area. To the same end, similar modification of policies DP1 and DP2 (**MM005** and **MM006**) are also necessary. We have adjusted **MM005** from that shown in the consultation schedule to remove a section of text included in error. Other policies of the plan would protect land specifically designated for other purposes (e.g. open space) from inappropriate development. For the plan to be justified **MM006** also modifies policy DP2 to resist unacceptable adverse effects of development on access, privacy and amenity.
27. Whilst the plan cannot specifically address every possible eventuality, we are satisfied that with these modifications it will strike an appropriate balance between enabling development and protecting assets of value within the existing built-up area. Furthermore, should the *London Plan Small Sites Design Code* be adopted in its current form it will inform application of the relevant *London Plan* policies to development in Bexley. Consequently, specific

reference to avoiding a “reduction in greenness” is not necessary for the soundness of the local plan.

Opportunity Areas

28. The *London Plan* identifies a number of Opportunity Areas for new homes and jobs and its policy SD1 states that, through their development plans, boroughs should clearly set out how they will encourage and deliver the growth potential of these areas. Two Opportunity Areas are identified for Bexley – Thamesmead and Abbey Wood (indicatively 8,000 new homes and 4,000 new jobs) and Bexley Riverside (indicatively 6,000 new homes and 19,000 new jobs).
29. As detailed above policy SP1 identifies the Thamesmead and Abbey Wood Opportunity Area as a general focus for development and two of the allocated housing sites are in this area. However, for the plan to be effective and justified **MM002** is required to accurately reflect the boundary of the area as defined by its Planning Framework on the plan's Key Spatial Diagram. Although consulted on, alongside the MMs, this part of **MM002** was mistakenly identified as an additional modification.
30. In terms of the Bexley Riverside Opportunity Area the plan says relatively little – in essence (paragraph 1.18) stating only that its full development (not expected during the plan period) is dependent on yet-to-be committed infrastructure improvements, that the Council will continue to work with the Greater London Authority and Transport for London to identify and develop opportunities and that an early review of the plan will be undertaken should circumstances change to justify it. In our view this does not adequately meet the *London Plan* policy SD1 requirement for the plan to clearly set out how the growth potential of this area will be encouraged and delivered. Whilst full development of the Opportunity Area is unlikely during the plan period, decisions taken during this period are likely to influence how the Opportunity Area is developed thereafter. Indeed, although a formal boundary of the area is yet to be defined through a planning framework, a number of the plan's site allocations are in locations which may well be within the ultimately defined boundary.
31. Consequently, for the plan to be justified and effective, **MM001** is required to more comprehensively explain how the growth potential of the Bexley Riverside Opportunity Area will be encouraged and delivered. Moreover, for the same reasons, it is necessary to identify the Bexley Riverside Opportunity Area on the Key Spatial Diagram for Bexley (**MM002**), albeit that since a formal boundary has yet to be identified this needs to be clearly shown to be indicative. This modified text refers to a review of the plan if infrastructure investment enables enhanced levels of growth in this area during the plan period. However, given the inevitable uncertainty, it is not necessary or appropriate for the plan to detail the form or nature of such a review.

Achieving Sustainable Development

32. The plan has been criticised for not going far enough to achieve sustainable development, in particular in relation to resource consumption. However, as discussed at the hearing sessions, this is largely a criticism of national planning policy with which the plan should be consistent. Moreover, it must, by law, be in general conformity with the *London Plan*, which details the amount, nature and broad location of development which must be accommodated in Bexley. Nonetheless, the plan could be inferred as indicating that its policies will achieve sustainability, as if following full implementation of the plan no more would need to be done. This is clearly incorrect and consequently, in order for the plan to be justified, **MM002** is also required to make clear in policy SP1 that the plan will “work towards achieving” sustainable development.

Conclusion

33. Subject to the above-mentioned MMs the plan's spatial strategy is based on robust evidence, is justified and is in general conformity with the *London Plan*.

Issue 2 – Whether the plan is justified, effective, in general conformity with the London Plan and consistent with national policy in relation to its approach towards promoting mixed and balanced communities?

Housing for the Settled Community

34. In conformity with the *London Plan*, policy SP2 states that the Council will seek to meet the Mayor's 10 year housing target for Bexley of 6,850 homes. There is no evidence to support a specific, higher figure. However, bearing in mind the potential for a number of sites to deliver significantly more housing than the minimum numbers indicated and for the plan to be positively prepared, **MM003** is necessary to make clear that the Council will seek to meet “at least” the identified number of homes. Furthermore, in the interests of clarity and therefore effectiveness, this modification is also required to ensure that the policy is explicit about the years to which the 10 year housing target relates and to identify the housing requirement figure for the remainder of the plan period. Subject to review/update of the *London Plan*, this is appropriately a continuation of the 685 dwellings per annum figure which applies to the first 10 years.
35. Policy H3 of the *London Plan* states that boroughs are encouraged to identify opportunities for the “meanwhile” use of sites for housing of land awaiting longer-term development. The plan is not unsound in not identifying specific such opportunities, but to ensure general conformity with the *London Plan* **MM004** is necessary to make clear that “meanwhile” housing is specifically encouraged in Bexley.

36. Policy SP2 states that it is the Council's aspiration to achieve 50% affordable housing whilst policy DP1 states that for sites of 10 or more dwellings the Council will follow a threshold approach and seek 35% affordable housing on-site. There is the potential for confusion between the two policies and, additionally, the plan does not reference the *London Plan's* threshold approach 50% affordable housing requirement on public sector-owned and industrial land or its requirements in respect of habitable rooms. Consequently, in the interests of clarity and therefore effectiveness, **MM003** and **MM005** are necessary which make clear that the 50% figure is the Council's aspiration across all new housing whilst the threshold approach, as set out in *London Plan* policies H4 and H5, will be applied to individual proposals for housing development. The plan's Viability Assessment identifies that in most cases the threshold approach is likely to be financially viable.
37. For effectiveness, **MM005** is also required to make clear that the space, accessibility, environmental and housing amenity standards which policy DP1 requires compliance with are *London Plan* standards. However, it would not be appropriate for the local plan to provide for more flexibility in the application of these standards than the *London Plan* itself allows. For the policy to be justified this modification also removes the "where appropriate" clause in respect of the encouragement of the provision of plots within residential schemes for self-build and custom housing and rewords part 2 of the policy so as to make clear that the local plan housing mix set out in Table 3 is a "starting point" for development proposals, not an absolute requirement. However, there is not a need for a similar change to policy SP2 because its focus is on how, at a strategic level, the Council will seek to meet the Borough's housing needs, rather than the specific requirements for development proposals set out in policy DP1.
38. The plan was submitted for examination before 28 December 2021 and, thus, is not one which the national policy detailed in a written ministerial statement indicates should set out requirements in respect of First Homes. However, in accordance with that statement, the plan will need to be reviewed in due course to address this matter.
39. Policies DP5 and DP6, concerning houses in multiple occupation and live/work units and loss of existing housing are justified. However, in the interests of effectiveness, **MM009** is required to make clear that the living and space standards referred to are *London Plan* policy standards. And, to ensure general conformity with the *London Plan*, the removal of the reference to "habitable rooms" is necessary (**MM010**) in respect of loss of housing through estate regeneration.
40. Policy H13 of the *London Plan* states that boroughs should work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing taking account of (amongst other things) local housing needs information including data on the local type and tenure of

demand, and the indicative benchmarks set out in Table 4.3. The relevant benchmark figure for Bexley is 145 units per annum. This constitutes 3.5% of the London-wide benchmark figure of 4,115 units per annum. In contrast, Bexley's ten year (all) housing target of 6,850 dwellings constitutes only 1.3% of the London-wide (all) housing target figure. Proportionate to the London-wide figures, Bexley's benchmark figure for specialist older persons housing is consequently around 2.6 times the borough's proportion of the London-wide all housing target.

41. Based on the *Bexley Strategic Housing Market Assessment* (SHMA), policy SP2 states that the Council will seek to accommodate 1,008 units of specialist older persons accommodation and 43 units of residential care accommodation across the plan period. The most recent update of the SHMA revises these figures to 55 units per annum of specialist older persons accommodation and 26 units per annum of residential care accommodation. The combined figure of 81 units per annum is significantly less than the 145 units per annum benchmark figure listed in the *London Plan* and it is also debateable as to whether the inclusion of residential care accommodation in the 81 figure is comparing like with like with the *London Plan's* 145 figure for specialist older persons accommodation.
42. The variation in the figures is accounted for by the different approaches adopted to calculating need between the evidence which supported the *London Plan* and the Bexley SHMA, both of which, in themselves, have merit. We recognise that a shortfall in older persons' accommodation could result if some boroughs base their plans on the *London Plan* benchmark figure and others on more local evidence. However, this is inherently a possible outcome of the specific wording of *London Plan* policy H13 which (distinct from policy H1 in respect of the target figures for all housing) makes clear that benchmark figures are only indicative and that provision for specialist older persons' accommodation should also take account of local housing needs information. The Bexley SHMA is such information. Policy H13 does not prescribe that the benchmark figure should be used unless local housing needs information indicates a higher level of need. On this basis we conclude that policy SP2 of the *Bexley Local Plan* is in general conformity with the *London Plan* in this respect.
43. At the hearing the Council explained that in past years there has been a trend of older people moving from other London boroughs to Bexley and we share the concern of the Council that if this trend continues Bexley's population could become unsustainably unbalanced with potentially adverse impacts on the provision of services. Furthermore, even discounting the 26 units per annum of residential care accommodation, the 55 units per annum of specialist persons' accommodation would constitute 1.3% of the London-wide benchmark figure of 4,115 units per annum, the same as Bexley's share of the London-wide target for all housing. On this basis the policy (necessarily modified by **MM003** to reflect the most up to date SHMA figures) is seeking to meet Bexley's "fair

share” of the London-wide requirement for specialist older persons housing, rather than a proportion significantly higher than its share of overall housing growth. Consequently we conclude that the approach proposed in policy SP2 to specialist older persons accommodation is justified.

44. Policy DP3 sets out how the need for older person’s housing will be met, in line with the need identified in policy SP2 (as modified) and, in principle, it is justified. However, for clarity and therefore effectiveness, **MM007** is required in order to make clear that the continued need for specialist housing relates to the figures set out in part 3 of policy SP2.

Accommodation for Gypsies and Travellers.

45. The October 2021 Gypsy and Traveller Accommodation Assessment credibly identifies the need for 3.6 additional Gypsy and Traveller pitches over the plan period, including for people not within national planning policy’s definition of Gypsies and Travellers. The Assessment updates the 3.2 additional pitches set out in policy SP2 of the submitted plan and consequently, for the plan to be justified, **MM003** is necessary to update this figure. In the light of the discussion at the hearing session the Council is justified in its confidence that these pitches can be provided through the intensification or extension of existing sites in the borough.
46. Policy DP4 appropriately seeks to protect existing provision for Gypsies and Travellers and also sets out criteria against which proposals for accommodation for gypsies and travellers would be assessed. However for the policy to be justified and effective, **MM008** is required to ensure that part 3 of the policy applies to the extension (as well as the intensification) of an existing site.

Conclusion

47. In conclusion, subject to the above mentioned modifications, the plan is justified, effective, in general conformity with the *London Plan* and consistent with national policy in relation to its approach towards promoting mixed and balanced communities.

Issue 3 – Whether the plan has been positively prepared and whether it is justified, effective and consistent with national policy, and in general conformity with the London Plan, in relation to the approach towards Bexley's economy and strengthening prosperity?

Employment Growth

48. Chapter 3 of the plan considers Bexley's economy, in particular protecting industrial land, promoting the circular economy model and supporting increased diversity of the local employment offer to improve workforce skills. Bexley is described as having an established industrial land base and a well-performing town centre network. Policies SP3 and DP7 aim to support the continued prosperity and development of these employment locations.
49. The submitted plan (policy SP3) included an overall target of 10,000 net additional jobs to be provided in the borough over the period to 2036. This would increase to 10,800 up to 2038 and of this around 40% are expected to be in office, light industrial and distribution based sectors. The Council has appropriately considered this requirement under a 'job growth/labour demand' scenario. It is identified that there are job sectors which are best located on industrial sites, which would generate a demand for industrial floor space. Some job types would be best provided in town centres and other sustainable locations rather than on designated industrial land.
50. The *Bexley Employment Land Review* and *technical briefing paper* consider the jobs for which the forecast growth would generate a demand for industrial floor space. This has been converted to a minimum floor space requirement of 147,210m² over the plan period for jobs in the B2 and B8 uses. The Council also tested a maximum requirement (E(g)(iii), B2 and B8 uses) and the forecast requirement for jobs in these sectors. This produced a range of about 1,900 to 2,700 jobs that would be located within Bexley's designated industrial locations.
51. The Council tested the capacity of the 43 viable sites available for industrial intensification to provide for the forecast jobs growth for industrial type jobs in the local plan. The sites were tested using the floor area ratio approach set out in the *Industrial Land Intensification Strategy*. This shows a baseline position where there is clear scope for intensification on industrial land in the borough. It also highlights that all areas already have some sites where intensification has taken place. As such, it demonstrates that this approach would meet the jobs growth requirement and compensate for the replacement for the sites that are being released within the plan for other uses.
52. There has been a trend of intensification of employment land in London over the past decade or so and even if that continued at past rates, as opposed to the

higher rates assumed in the plan, the requirement for employment land would be easily met. Therefore, we consider this to be a credible approach and in general conformity with the *London Plan*.

53. However, for the plan to be effective, **MM011** is necessary to clarify policy SP3 and its supporting text, by adding ranges for the jobs in industrial locations, the floor space requirement and the industrial land available for intensification. As modified, the policy and the overall strategic approach to the economy would be in general conformity with the *London Plan* and consistent with the NPPF.
54. Policy DP7 addresses what would be appropriate uses within designated industrial areas. This includes both types of industrial land within the borough, Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS). **MM012** is necessary to make changes to clarify appropriate use classes and in relation to temporary permissions, making the policy more flexible and, thus, effective.
55. *London Plan* policy E4 seeks a sufficient supply of land and premises across London to meet current and future demands for industrial and related functions. Part 3 of this policy identifies the various categories of industrial sites and the relevant policy for each type. In the case of LSIS it refers to policy E6. This requires boroughs in their development plans to designate and define LSIS, justified by evidence, and to make clear the range of uses that would be acceptable. Part 3 of policy DP7, as modified by **MM012**, does exactly what the *London Plan* requires, as it makes clear the approach that will be taken to proposals on designated industrial areas in Bexley. It is therefore in general conformity with the *London Plan* in this respect. In terms of the interaction between LSIS and residential uses, the agent of change principle is covered in policy D13 of the *London Plan*. As such it would be applicable to decision taking in Bexley and we do not consider that policy DP7 needs to repeat this to be sound.
56. Finally in order that policy DP7 is justified and effective the policies map needs to be revised so that the entire revised Crossness Sewage Treatment Works (CSTW) Operational Land is designated as a Strategic Industrial Location and the boundary of the Metropolitan Open Land in this area is consistent with the revised CSTW Operational Land. This is justified, and the necessary exceptional circumstances exist, because this land is already predominantly developed with critical infrastructure, further development of which, without this revision, would be likely to require the demonstration of very special circumstances. However, the Site of Importance for Nature Conservation (SINC) and other designations within the revised CSTW Operational Land, are justified and should therefore remain unchanged from that shown on the submission policies map. There is no inconsistency in land being designated as SINC, for its nature conservation value, but not as Metropolitan Open Land – a situation which exists elsewhere in the Borough.

Telecommunications and digital infrastructure

57. Policy DP8 sets out the Council's approach to the provision of telecommunications and digital infrastructure. *London Plan* policy SI6 is clear that development plans should support the delivery of full-fibre or equivalent digital infrastructure, with particular focus on areas with gaps in connectivity and barriers to digital access. As submitted the policy considered proposals for new or upgraded telecommunications equipment. However, it made no reference to the delivery of full fibre connectivity. Therefore, to ensure general conformity with the *London Plan*, **MM013** is necessary to make it clear that such provision would be supported in the borough.

Supporting successful town centres

58. Policy DP10 outlines the approach to decision making for neighbourhood centres and small parades which play a key role in meeting the 'walk to' everyday needs of residents. The NPPF seeks strong neighbourhood centres as part of healthy, inclusive and safe places. However, **MM014** is necessary because the policy is ambiguous and would not be clear for decision taking. It changes the wording to take a positive criteria-based approach that would support the vitality and viability of neighbourhood centres and small parades.

Conclusion

59. In conclusion, subject to the above mentioned modifications, the plan is positively prepared, justified and effective, consistent with national policy and in general conformity with the *London Plan* in relation to its approach towards strengthening prosperity.

Issue 4 – Whether the site allocations for residential and residential-led mixed-use development are justified and effective?

Site allocation selection process

60. The *Site Allocations Technical Paper* details the process by which the sites allocated in the plan for residential and residential-led mixed use development were appraised and selected against possible alternatives. The paper comprehensively details the formulation and assessment of a "long list" of possible sites at the Regulation 18 stage of preparation and explains the role of the Integrated Impact Assessment (including Sustainability Appraisal) at both the Regulation 18 and 19 stages. For each site on the "long list" the paper summarises the reasons for the site's inclusion or exclusion from the submitted plan. This evidence demonstrates that the sites allocated were selected against possible alternatives using a robust and objective process. Therefore, we are satisfied that they are all, in principle, justified, although a number of main

modifications to address detailed soundness problems with the relevant policies are necessary, as set out below.

Overarching issues

61. Part 2 of the plan includes individual policies for each of the 23 residential and residential-led mixed-use development sites. Each policy is supported by a diagram and supporting text, addressing the site and surroundings, opportunities and constraints, indicative design response and development parameters and other guidance. However, in many instances the format and precise wording of the policies, diagrams and supporting text mean that there is a lack of clarity as to what is a policy requirement for the site, indicative guidance for its development or simply factual context. In the interests of the plan's effectiveness, modification of each policy, its supporting text and diagram is therefore required to clearly distinguish policy requirements, indicative guidance and factual context (**MM036 – MM058**). The replacement policies, supporting text and diagrams are set out in full in Appendix A of the Annex to this report. However, it is not necessary for the site allocation policies to specifically state that a phased approach to development of the site is acceptable: in most cases the wording of the policy does not prevent this and, where appropriate, the supporting text states that such an approach is acceptable in principle.
62. Each policy, as submitted, states as a precise figure (e.g. 81 and 421) the approximate or minimum number of new homes the design-led approach for optimising site capacity suggests can be achieved on the site. However, the Council accepts that in some instances it may be feasible and appropriate to accommodate significantly more dwellings than the stated figure. Therefore, the very precise dwelling number figures included in the policy could reasonably be inferred to mean that only a slightly higher dwelling number would be appropriate (e.g. 83 and 424). Consequently, to ensure that the plan provides clarity for decision makers, developers and the general public (and is thus effective) the above-listed modifications "round" the figures for the approximate or minimum number of homes. They also emphasise in each policy itself, where a minimum housing figure is set, that significantly more dwellings may well be appropriate and permitted. In the interests of minimising car use, and therefore for the plan to be justified, these modifications also remove unnecessary requirements for specific levels of car parking provision within a number of the site allocations.
63. There are a number of policies where site allocations are identified as potentially being suitable for tall buildings under the heading 'principal land use' or within the supporting text. Concerns have been raised that in some cases townscape planning work at planning application stage may reveal this to be inappropriate. And on the other hand, on site allocations where the potential suitability of tall buildings has not been identified, this could unduly limit the

site's capacity for housing. However, the plan's policy DP12 sets out a credible approach to tall buildings and building heights in the borough. **MM017** to this policy (see Issue 5 below) would ensure that its application to site allocations is robust and flexible. Moreover, given the cautious assessment of overall housing supply detailed in Matter 9, it is likely that the plan's housing requirement can be met even if fewer homes than anticipated are developed on some site allocations.

64. Concern is also raised regarding mature trees that may be present on some sites. The site diagrams do not include specific references to trees on a site by site basis. However, this would not prevent the appropriate consideration of this at application stage in accordance with policy DP21.

Individual site allocations

65. In addition to the overarching issues set out above there are a number of site-specific issues which also require modifications included within **MM036 - MM058**.

CRA01 – Former Electrobases/Wheatsheaf works (MM056)

66. Site CRA01 is allocated in the submitted plan for a primarily-residential development of a minimum of 300 new homes. To the south-east of the site the plan allocates a small area of land as a LSIS. Whilst this adjoins a larger area of designated industrial land in separate ownership, its size and location suggests to us that this particular parcel of land is likely to have minimal value for employment use. Conversely, if allocated as part of the CRA01 site for primarily-residential development, this land would provide for better vehicular access than would otherwise be available and greater flexibility to secure a high quality development. Consequently, to maximise the deliverability of the allocation and to ensure that the policy is effective, the element of **MM056** which alters the boundary of the site allocation to include this land originally proposed as a LSIS is necessary. Consequent changes to the policies map will also be needed.
67. To the west of the allocation the submitted plan designates a triangle-shaped area of land as an extension to the existing Crayford Rough (renamed Crayford Meadows) Metropolitan Site of Importance for Nature Conservation (SINC), across which a Strategic Green Wildlife Corridor is also proposed. The land was considered in the *Council's Sites of Importance for Nature Conservation Partial Review Paper*. This identifies it as being essentially homogenous with the adjacent Crayford Rough SINC stating that it supports notable plant species including yellow vetchling and pyramidal orchid and that its habitat is suitable to support reptiles and important woodland edge breeding bird communities. On this basis the "triangle land" is proposed as an extension of the Crayford Rough Metropolitan SINC.

68. The ecological evidence prepared on behalf of the site promoter identifies broadly similar habitats and flora on the triangle land as does the Council's paper, although there is disagreement as to its importance. Nonetheless, section 3 of the site promoter's *Ecological Impact Assessment Report (June 2022)*, identifies a section of semi-natural broadleaved woodland as being of local ecological importance and indicates that an area of semi-improved natural grassland is considered to be of up to borough ecological importance. Based on this written evidence, what we heard at the hearing sessions and our visits to and around the land, and notwithstanding the land's potential use for housing, we conclude that the designation of the triangle land as a SINC is justified. Whilst noting the contention that this comparatively small piece of land itself does not have features of Metropolitan importance, given that the land is contiguous with SINC of Metropolitan significance stretching from the boundary with Dartford District in the east to the boundary with Bromley Borough in the west, its designation as Metropolitan SINC makes sense.
69. It is argued that the triangle land and parts of Crayford Rough to the west of it are in poor condition and that a better overall outcome for nature conservation would be achieved by developing the triangle land for housing, as part of the CRA01 site, which would enable improvements to be carried out to parts of Crayford Rough which would then be gifted to the Council. We understand a similar proposal formed part of a residential development scheme which was the subject of a resolution to grant planning permission in 2015.
70. Determining whether or not such a scheme in the future would be appropriate would require very detailed analysis of the benefits and disbenefits, which can only feasibly be carried out in respect of a specific planning application. Therefore, it would not be appropriate to allocate the triangle land as part of the CRA01 site, subject to a requirement that other land is improved in nature conservation terms, when we cannot at this stage be certain that the overall benefits of such a proposal would outweigh any harm.
71. Including the triangle land in the CRA01 site would provide further flexibility for development of the site, although bearing in mind its expansion to the south-east as part of **MM056** detailed above, we are not persuaded that this further flexibility is necessary to ensure that CRA01 is deliverable. Moreover, an increase in overall housing provision on this site, which might be achieved by including the triangle land in allocation CRA01, is not necessary for the plan to be sound, given our conclusions elsewhere in this report that the plan (subject to the recommended modifications) is likely to ensure that the Borough's housing needs will be met.
72. The submitted policies map also identifies a Strategic Green Wildlife Corridor crossing the triangle land heading to/from the River Cray in the north-east and to/from an intersection with another such corridor in the south-west. The *Bexley Green Infrastructure Study* credibly justifies the existence and broad route of

this Strategic Green Wildlife Corridor. Moreover, the alignment of it shown on the policies map is a logical one, diverting from the course of the River Cray immediately to the west of the existing and proposed (on site CRA01) built-development and crossing the triangle land in order to intersect with the other Strategic Green Wildlife Corridor to the south. However, the fact that we have concluded that this alignment is a logical one, and thus is appropriately shown on the policies map, does not mean that it is the only logical or appropriate route for the corridor in this area.

73. In addition to its SINC and Strategic Green Wildlife Corridor designations the submitted plan proposes the triangle land as Urban Open Space (UOS). However, having regard to the plan's definition of UOS, set out in the Glossary, we conclude that this land is not justified to be subject to this designation: whilst it is open (i.e. undeveloped), as land at the edge of the built-up area it does not act as a break in the built-up area. Furthermore, we consider its contribution to landscape character, as distinct from that of the Green Belt to the west and the river corridor to the north and east, is minimal.
74. Moreover, it is not justified to exclude the triangle land from the Sustainable Development Location, as the submitted plan proposes: it is within the prescribed distance of relevant key facilities set out in policy SP1 and, notably, other areas of SINC/Strategic Green Wildlife Corridor designation are within Sustainable Development Locations. Whilst a fence separates the triangle land from the area shown to be within the Sustainable Development Location on the submission policies map, both pieces of land are in the same ownership and this fence could be readily removed.
75. Consequently, for the plan to be justified it is necessary for the UOS designation of the triangle land to be removed and for the boundary of the Sustainable Development Location to be altered to include this land. **MM056** provides for this and consequent changes to the policies map will also be needed. The proposed change to the policies map in respect of the UOS designation published for consultation contained a boundary error which will need to be corrected in revising the policies map.

BEL05 – Belvedere Gas Holders (MM042)

76. Site BEL05 is allocated in the submitted plan for a primarily-residential development of a minimum of 395 new homes. **MM042** appropriately provides for a more flexible approach to unit numbers. It also indicates a change to the areas of new landscape/open space and that the site may be a suitable location for tall buildings, subject to application of DP12. Whilst noting the suggestion that the site could accommodate 600 dwellings, we consider that these changes allow for the uplift in the approximate dwelling numbers to 465.

77. The site is in the process of being decommissioned and the gas holders dismantled with the remainder of the site being undeveloped. The site location is within walking distance of Belvedere Station and it presents potential for future rail and bus rapid transit connections which would support the development of Belvedere Station as a transport hub.
78. The provision of transport improvements in principle would be in general conformity with *London Plan* policy T3. This policy sets out that development plans should make provision for expanded public and active transport systems to serve London's needs. The site promoters raised concerns that there is no specific need for either the Bus Rapid Transit (BRT) or Docklands Light Railway (DLR) connections within the plan period. These interventions are not relied upon in the local plan to meet the level of growth that it proposes. However Part C of policy T3 cross references to table 10.1 which provides a list of schemes for which provision should be protected. Bus networks and extensions to the DLR are identified within this. We conclude that it is justified to "protect" the alignments of long term infrastructure proposals where, as in this case, it does not prevent plan-period development needs being met.
79. As explained above in relation to all the site allocation policies, the changes in **MM042** make clear what is a policy requirement and what is indicative. In doing so the site diagram now provides an indication of where public transport routes could be positioned within the site, based on available information on future routing. It would also allow for necessary flexibility if the site were to be developed prior to funding being in place for public transport schemes – i.e. allowing a layout that would not preclude future routes through the site. In addition to being in general conformity with the *London Plan* this approach would align with the plan policy SP10 which sets out the Council's overall approach to Bexley's transport network.
80. A number of other concerns are raised regarding the text outside of the policy (SA7) itself. These would either be governed by other policies in the plan, such as approaches to building height, or they are matters that would appropriately be subject to detailed consideration at the planning application stage. References to 'new native woodland' have appropriately been removed from the site diagram, given the lack of specific justification at this time. Instead the modified policy seeks new landscape/open space the detail of which would be the subject of discussion at application stage.

BEL07 – Crabtree Manorway South (MM044)

81. The overarching modification to this site allocation policy included the requirement for a replacement railway line footbridge. However, there is not the evidence to indicate that a replacement bridge, as opposed to an enhanced one, is necessary or viable. Consequently we have adjusted the wording of **MM044** to refer to an "enhanced" pedestrian bridge.

ERI01, ERI02, ERI03, ERI04 and ERI05 – Erith Western Gateway (MM045), Pier Road West (MM046), Pier Road East (MM047), Erith Riverside (MM048) and Morrisons Erith (MM049)

82. Whilst in principle the requirement to retain specific views on site allocations ERI02, ERI03 and ERI05 is justified, in order to achieve attractive and high quality developments, there is not the evidence to demonstrate that this would be definitively possible in every instance, in addition to all the other policy requirements being met. Consequently we have adjusted the wording of **MM046, MM047 and MM049**, as consulted on, to state that the views should be retained “where possible.” Moreover, for the policies for these sites and ERI01 (**MM045**) to be justified we have also altered the requirements in respect of developer contributions, as consulted on, to make clear that these will be required “where necessary and proportionate to the nature and scale of the development.”
83. The requirement for allocations ERI02 and ERI03 that their town centre uses elements be located at ground floor level along Pier Road and Bexley Road is also justified in terms of consolidating the existing town centre. However, we have clarified the relevant wording of **MM046** and **MM047**, as consulted on, in the interests effectiveness of the policies.
84. Provision of open space as part of site ERI05 is justified given the deficiency of open space in Erith. Moreover, the site allocation diagram makes clear that the open space shown is indicative only in terms of size and location. However, for effectiveness, we have altered **MM049**, as consulted on, to make clear that the new public open space in this development is necessary to “contribute towards addressing,” as opposed to entirely addressing the deficiency of open space in the area. Additionally we have adjusted this modification to identify the minimum number of new homes as being 420, as opposed to the 400 consulted on in error . The necessary “rounding” from the specific 421, in the plan as originally submitted to 420 is explained above.

BXH06 – Land behind Belvedere Road (MM055)

85. This site is a disused playing field, described as being vacant and inaccessible to the public for many years. The evidence base includes the *Green Infrastructure Study (SD23)* which in chapter 7 sets out the *Bexley Playing Pitch Strategy Audit*. This assessed this field for football pitches and found a need only at peak periods. There is no dispute that over the plan period there would be a need for further football pitch capacity but that a different part of the borough might be the preferred location for this. The NPPF allows for a loss of such facilities where equivalent or better provision in terms of quality of quantity is made in a suitable location. Part 2 d) of the policy as proposed to be modified (**MM055**) includes this requirement for development of the site and, on this basis, we conclude the allocation to be justified.

Conclusion

86. Subject to the above-mentioned modifications, the site allocations for residential and residential-led mixed-use development are justified and effective.

Issue 5 – Whether the plan is justified, effective, in general conformity with the London Plan and consistent with national policy in relation to the approach toward Bexley's character and reflecting diversity and heritage through high quality design?

Placemaking through good design

87. The approach to placemaking through good design is set out in policies SP5 and DP11, DP12 and DP13. The plan appropriately seeks to be ambitious in securing high quality design informed by local character and reinforcing local distinctiveness.
88. However, **MM015** is necessary to change the requirement of policy SP5 to require high quality standards of design rather than the highest in order to ensure general conformity with *London Plan* having particular regard to its policy D4. **MM016** is also required to change part 2 of policy DP11 to make it clear that policies for high quality design apply to all development proposals. This would also be necessary for general conformity with the *London Plan*.
89. Policy DP12 sets out the approach to tall buildings and building heights in the borough. **MM017** reorders and aligns the content with policy SP1, to be internally consistent, and to align with *London Plan* policy D9. Therefore, **MM017** is required to ensure effectiveness and general conformity with the *London Plan*.
90. *London Plan* policy HC3 requires development plans to identify locally significant views to be protected. Policy DP13 sets out the approach to protecting local views, which are shown on the policies map. The *Locally Significant Views within London Borough of Bexley* report (SD18) sets out what is significant about these views. Where local views are identified *London Plan* policy HC4 sets out principles for the protection and management of those views when development is proposed. However, Policy DP13 does not make reference to the principles set out in Policy HC4 of the *London Plan*. To ensure that it is effective and in general conformity with the *London Plan* in this regard, **MM018** is necessary to add a part 4 to the policy which would provide a clear and direct reference to the approach to protected vistas within the *London Plan*.

Heritage assets

91. Policy SP6 sets out the strategic approach to managing Bexley's heritage assets and policy DP14 address development proposals that would affect heritage assets. In order for policy SP6 to be effective, **MM019** is required to make it clear that the policy applies to all heritage assets and not just those in Council ownership.
92. **MM020** is necessary to ensure policy DP14 is consistent with the NPPF in addressing all non-designated heritage assets.

Conclusion

93. In conclusion, subject to the above mentioned modifications, the plan is justified, effective, in general conformity with the *London Plan* and consistent with national policy in relation to its approach towards Bexley's character and reflecting diversity and heritage through high quality design.

Issue 6 – Whether the plan is justified, effective and consistent with national policy, and in general conformity with the London Plan, in relation to the approach to providing community facilities and enhancing the environment?

Social and community services and facilities

94. Policy SP7 addresses how the Council will plan for and monitor the growth of social and community services and facilities, including open space.
95. The *London Plan* seeks to create a healthy city and the aim and purpose of policy SP7 would be in general conformity with this and also consistent with the NPPF. However, in order for policy SP7 to be effective, **MM021** is required to change part 1 (c) of the policy to provide additional flexibility to the wording for decision taking and to allow for use of obligations where appropriate.
96. Table 10 sets out the type of social and community infrastructure which policy SP7 would seek to secure. **MM022** makes changes to the table, omitting references to UOS and clarifying other requirements. These changes would ensure that the table and in turn the policy would be consistent with national policy and in general conformity with the *London Plan*. As such they are necessary for soundness.
97. Policy DP15 is the development management policy for securing the provision, and preventing the unnecessary loss of, social and community infrastructure. The overall approach would be consistent with the NPPF. However, in order for the policy to be effective it requires to be altered to be more precise at parts 3, 5

and 7, made internally consistent at part 6 and through the deletion of references to UOS. As such **MM023** is necessary for soundness.

98. It has been argued that part 6 c) of the policy, as proposed to be modified, would create ambiguity. However, taken as read the policy is not ambiguous and does not allow for loss of social and community facilities purely as part of an agreed strategy or programme of estate management. It is clear that it would have to have been assessed under part a) or b) in the first instance. The inclusion of part c) does not negate the need to consider these parts and as such is not unsound.
99. Concerns have been raised that parts of policy DP15 and its supporting text are removed from the plan through the proposed modifications. However, in making modifications to policies DP15 and SP8 for soundness, references to UOS have been appropriately consolidated in policy SP8 and its supporting text, as referred to below.
100. Policy DP17 sets out the Council's approach to publicly accessible open space. **MM024** amends part 2 of this policy, adding more specific wording regarding requirements for access to open space for new development. This would provide the necessary clarity and flexibility for decision taking and therefore is necessary for the policy to be effective.

Green Belt/Metropolitan Open Land

101. Policy SP8 addresses green infrastructure in the Borough. This includes designated Green Belt, Metropolitan Open Land (MOL) and green and open spaces. **MM025** provides necessary clarification to the policy to make it effective. This includes adding references to UOS into this policy, where they would be most effective. This would also ensure that the plan is internally consistent in its approach to the various component parts of green infrastructure addressed by policy SP8. Other changes to parts of policy SP8 would ensure that it would be sufficiently flexible.
102. The NPPF is clear that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.
103. *London Plan* policy G3 Part C sets out that Metropolitan Open Land (MOL) boundaries should also only be changed in exceptional circumstances and that this needs to be fully evidenced and justified taking into account the purposes for including land in MOL which are set out in part B of the policy. It requires the land designated as MOL to contribute to the physical structure of London by being clearly distinguishable from the built up area. The policy is clear that the openness of MOL is intrinsically linked to its diverse range of functions as space for sport, leisure and recreation.

104. The current Green Belt boundaries in Bexley were adopted in 2004 and the Council identified that in some places, having been digitised, they are inaccurate. Therefore the plan proposes minor factual corrections to the boundary anomalies. These are set out in the *Submission Policies Map Technical Paper*; they would have virtually no impact on the integrity of the Metropolitan Green Belt overall and are required such that policy SP8 is justified and effective. For these reasons we are satisfied that exceptional circumstances exist to justify these minor changes to the Green Belt boundaries.
105. All land designated as MOL has been reviewed with the criteria set out in the *London Plan* applied in undertaking this assessment. The *Policies Map Technical Paper* proposes changes to MOL based on this evidence. These include the resolution of any historical inaccuracies arising from digitisation, changes where open space land, which contributes to openness, should have been included and changes where land included as MOL does not in fact contribute to openness. This approach is sound and will help ensure effective operation of MOL policy. As such we conclude that there are the exceptional circumstances to justify the changes set out in the technical paper, other than at CSTW detailed in Issue 3 above.
106. The plan has been criticised for being too restrictive and prohibitive of development in some specific areas of the MOL. However, policy SP8 is in general conformity with the *London Plan*, policy G3 of which indicates that national planning policy tests for Green Belt should apply to proposals within MOL. In that context the policy would allow for consideration of appropriate facilities in connection with an existing use of land for outdoor sport or recreation. As such proposals will quite reasonably be considered on a case by case basis in accordance with policy SP8 and other relevant development management policies and the plan is therefore sound in this respect.
107. The VCD sports ground, at Ash Road Crayford, is located within MOL and significant enhancements to this site are being proposed. The site promoter's sports need assessment identifies five specific improvements to the site. Of these there is scope for some of these proposals to be considered under the scope of policy SP8 as appropriate facilities on the existing site, with the MOL designation unchanged. Other aspects of the proposals would be the provision of indoor community or leisure facilities. The provision of indoor community and leisure facilities should, appropriately, accord with the Council's spatial strategy: specifically policies SP4 and DP9 which encourage the diversification of town centres. This would include sport, recreation or fitness uses. The plan's approach to deal with these types of development under policies SP4 and DP9 in sustainable locations is sound. Thus, there are not the exceptional circumstances necessary to justify a change to MOL boundaries in this location.

108. *London Plan* policy G8 refers to food growing and sets out that in development plans boroughs should protect existing allotments and encourage the provision of space for growing food, including within new developments. Policy SP8 part e) makes clear that the borough would keep allotment provision under review and supports the provision of space for community gardening and spaces for food growing in new development. This approach is in general conformity with the *London Plan* and is sound.
109. The *Policies Map Technical Paper* sets out a credible approach to the designation of Urban Open Space. Other than at Crayford, detailed in Issue 4 above, we are satisfied that all these designations are justified, most importantly for the visual and physical break they provide in the built up area. They also accord with the definition of UOS in the glossary.

Waterfront development and the River Thames

110. Policy DP18 sets out the approach to development proposals that include or would be close to flood defences. In Bexley the River Cray and the River Thames are part of the Mayor's Blue Ribbon Network (Figure 9.6 of the *London Plan*). *London Plan* policy SI 12 seeks to manage current and expected flood risk from all sources and sets out the need for Boroughs to ensure compliance with the *Thames Estuary 2100 Plan*. **MM026** makes changes to the policy wording necessary to make it clear and precise, in particular to ensure that development close, but not immediately adjacent to, the watercourse is captured by the requirements of the policy.
111. Policy DP19 refers specifically to the River Thames and the Thames policy area. **MM027** would make changes to the text that would make parts 1 and 2 clear for effective decision making. As such **MM027** would be necessary for effectiveness.

Biodiversity and geological assets

112. Policy SP9 outlines the strategic approach to protecting and enhancing biodiversity and geological assets. However, consistency of terminology is missing across the plan when referring to sites and designations captured by this policy. **MM028** would address this and is therefore necessary for the policy to be effective.
113. Part (d) of policy SP9 refers to Sites of Importance for Nature Conservation (SINCs), the formal designation of which is through the plan process. The Council has undertaken a partial review of SINCs which included consideration of existing SINCs, including those where concerns had been raised regarding their continued inclusion in the plan and in some cases extension. In the case of land at Jubilee Way, Sidcup it has been argued that this should not be designated as SINC, on the basis that the site would have the potential to

accommodate dwellings close to a mainline station. The ecological value of the site was considered by ecologists appointed by the site promoter and the Council as part of its partial SINC review (SD24a). The site is identified as part of the railway line "sides" and as offering a diverse habitat and green corridor. Overall we are satisfied that the designation of this, and all the other, SINC designations proposed in the plan is justified. However, it is the case that the plan's policies are not completely prohibitive of development on SINC.

114. The Council has proposed an additional modification to supporting text to indicate that it will periodically review the SINC designations. In response to this an objection was received to part of a SINC designation at Parish's Pit Woodland. This designation was shown on the policies map when the plan was submitted for examination and has not been the subject of a main modification or a proposed change to the policies map. If "late" representations such as this were to be routinely considered in the examination process, it is likely that examinations would frequently never end. Consequently, we have not reconsidered the justification of this particular SINC designation in the light of this representation. However, once again, it is the case that the plan's policies are not an absolute embargo to development on SINC.

115. The Council has ensured that the citations for the SINC are accurate and up to date and the evidence is thorough and justified. The approach to SINC in the plan would be in general conformity with *London Plan* policies G6 and G9. It would also accord with the NPPF which supports the protection of irreplaceable habitats.

116. Comments were made regarding policy DP20 (Biodiversity and Geodiversity), in particular its general approach and implementation. However, the policy as written is justified, effective and consistent with national policy in its approach. Nonetheless, the Council has proposed to make additional modifications to the supporting and implementation text in the plan. Whilst these are likely to be helpful to some readers of the plan they are not necessary for soundness.

Conclusion

117. In conclusion, subject to the above mentioned modifications, the plan is justified, effective and consistent with national policy and in general conformity with the *London Plan* in relation to its approach towards providing community facilities and enhancing the environment.

Issue 7 – Whether the policies relating to transport and accessibility are justified, effective and consistent with national policy and in general conformity with the London Plan?

Bexley's transport network

118. Bexley is governed by the Mayor's Transport Strategy and Bexley's mode share targets up to 2041 were set by Transport for London (TfL) and are contained within the *Bexley Local Implementation Plan*, adopted in 2019. The mode share target for non-car use is 63% of personal trips by 2041, compared to an observed mode share of 43% in 2019/20. The local plan's spatial strategy would promote sustainable transport by managing patterns of growth. More specifically the strategy seeks to focus most new development in the identified Sustainable Development Locations which coincide with town centres and public transport hubs. Nevertheless, much of Bexley is made up of lower density residential areas, where comparatively low levels of public transport have led to higher levels of car ownership than many other London boroughs.
119. Promoting sustainable transport is a key objective of the planning system set out in the NPPF, which also identifies the need to identify and co-ordinate the provision of infrastructure. In Bexley the strategic transport corridors, both rail and road, run east to west. Bexley is an outer London borough and has a low average Public Transport Access Level (PTAL) score. As such it is within the bottom five London boroughs for accessibility. In addition to this, as it stands, the borough does not have underground, DLR, tram or rapid transport services, although the Elizabeth Line now extends to Abbey Wood.
120. The *Local Plan Transport Assessment* sets out that Bexley's transport network is dominated by radial routes into and out of London and also orbital routes, which can be problematic. These routes suffer from pinch points and bottle necks. The borough is considered to be atypical for a London borough as there are reliability and resilience issues for national rail and public transport provision. As a result the borough has a high level of car ownership and diverse travel patterns. The overall approach to the plan seeks to support additional growth through strategic projects such as road dualling and Crossrail, alongside local schemes to promote the use of public transport, such as BRT and the DLR.
121. Policy SP10 sets out the Council's strategic approach to the transport network. Part c) of the policy is not internally consistent and as such deletion of the words 'within the borough's major town centres' in **MM029** is necessary for clarity and effectiveness. The overall approach of policy SP10 was criticised for not going far enough in respect of reducing the need to travel by car and in particular parts i) and l). **MM029** would make part i) clearer regarding promotion of sustainable travel options. This change would make the policy effective, consistent with national policy and in general conformity with the *London Plan*.

122. Part l) concerns the re-provision of car parking at existing rail stations or in town centre locations. As submitted the policy would resist any loss of parking without suitable replacement spaces being provided. This approach would not be in general conformity with the *London Plan* which seeks to reduce car parking and encourage sustainable travel options. However, the *Council's Town Centre Strategy (CD26)* persuasively identifies the importance of access by car to the borough's town centres. The *Local Plan Transport Assessment (LPTA)* identifies that some of the borough's railway stations are located in suburban locations, some distance from urban centres. In addition in many cases on street parking around some railway stations is already controlled through Controlled Parking Zones but that this is to deter commuter parking not to manage parking overspill due to inadequate development parking.
123. **MM029** would change the emphasis of this part of the policy. It would shift from a one size fits all approach to an evidence-based approach. This would take account of the specific characteristics of Bexley identified in the town centre strategy and LPTA and the re-provision of parking for the change of use or redevelopment of an existing town centre or railway station car park could be considered where it is shown to be necessary to avoid adverse impacts from a development scheme. Therefore, **MM029** is necessary to ensure that the policy would be in general conformity with the *London Plan*.
124. In terms of strategic impacts the capacity issues that have been identified on the strategic network are outside the Bexley administrative area. Nonetheless, the Council has worked closely with Dartford Borough Council, Kent County Council and National Highways (NH) to address issues relating to the strategic road network. NH is supportive of a monitor and manage approach for larger development sites that could potentially generate significant traffic movements. This would focus on the effects of individual schemes as well as any cumulative impacts. Therefore, for the plan to be effective, **MM029** is necessary to, in part 2 of the policy, commit the Council to continued engagement with NH, the County Council and other relevant partners at a strategic level.
125. Policy SP11 sets out the Council's approach to meeting the requirements that flow from *London Plan* policy T3 part B to safeguard both the existing transport asset base and land and other requirements for the future. Parts 3 c) and 4 b) require modification to be consistent with the changes we recommend to policy SP10 regarding the strategic network and improving sustainable transport choices. **MM030** is therefore required for the plan's effectiveness.
126. Policy DP22 provides a development management policy for considering the promotion of sustainable modes of transport in development schemes. Part 1 of the policy is narrow in its approach and focusses on major schemes whereas the thrust of national and *London Plan* policy is to promote sustainable travel across all proposals. As such a change is necessary to this part of the policy to refer to all development proposals. In addition, changes to parts i), k) and m)

are required to align this policy with the modifications to policy SP10 which seek to promote safe alternatives to the car. For the plan to be effective and in general conformity with the *London Plan* **MM031**, which incorporates these changes, is therefore necessary.

127. Policy DP23 sets out the borough's approach to the management of parking. In particular it states that up to 1.25 parking spaces will be permitted for family (3+ bedroom) homes in PTAL 2 areas. The LPTA is clear that Bexley remains reliant on the use of the private car for many trips due to the relatively narrow choice of public transport modes and destinations and the dispersed nature of local services and facilities. However, *London Plan* policy T6.1 sets a standard in outer London PTAL 2-3 areas of up to 1 space per dwelling.
128. Permitting 1.25 spaces maximum for 3 bed dwellings in PTAL 2 areas is clearly not completely consistent with policy T6.1 of the *London Plan*. However, it is a relatively minor deviation which is further limited by **MM032** which includes an '*in exceptional circumstances*' clause. Therefore, given the context of the relatively limited public transport accessibility and connectivity in Bexley outside the SDLs, we consider that this approach, as modified by **MM032**, is justified. We also conclude that, overall, it is in general conformity with the *London Plan*, having particular regard to policy T6 A which sets out that parking provision should be restricted in line with public transport accessibility and connectivity.
129. Change to part 2 of policy DP23 is also necessary for the policy to be justified (**MM032**) to require the provision of evidence in the form of a parking survey to support decisions made under part (b). Part 4 of the policy refers explicitly to specialist housing for older people. The approach as drafted includes minimum standards which would not be in general conformity with the *London Plan*. Therefore, **MM032** is necessary, which alters this part of the policy to state that a case by case approach to determining parking provision will be taken, taking into account public transport accessibility and the specific characteristics of the scheme. These changes to policy DP23 covered by **MM032** would make the policy sound.
130. Policy DP24 considers the impact of new development on the transport network. Consistent with the NPPF it addresses the requirement to ensure that proposals would not have a severe impact on the transport network. However, **MM033** is necessary to reference net positive and cumulative effects in parts 2 and 3 of the policy for clarity and consistency with national policy.

Conclusion

131. Overall, subject to the above-mentioned MMs, the policies relating to transport and accessibility are justified, effective and consistent with national policy and in general conformity with the *London Plan*.

Issue 8 – Whether the policies covering environmental challenges in Bexley are consistent with national policy and effective?

Waste management

132. Policy SP12 sets out the Council's strategic approach to waste management and more specifically sustainable waste management. It explains how development must reduce waste by ensuring that waste from construction follows the waste hierarchy. The policy also addresses the principles of the circular economy to conserve resources and increase efficiency which seek to eliminate waste and to manage waste sustainably as set out in policy SI 7 of the *London Plan*. The requirements for developers in formulating schemes are set out clearly in policy DP26 with a requirement for a circular economy statement and clear requirements for refuse and recycling.
133. These policies as written are sound. Nonetheless, the Council is proposing to address some of the comments made by representors as additional modifications to the supporting and implementation text of the plan. Whilst these are likely to be helpful to some readers they are not necessary for the plan to be sound.

Water supply and wastewater infrastructure

134. Policy DP29 provides guidance for decision makers regarding water supply and quality. To be consistent with the strategic direction of policy SP13 additional text needs to be added to part 1 regarding the requirement to enhance water resources. Furthermore part 4 of the policy needs modification to be appropriately flexible. **MM034**, which makes these changes, is therefore necessary for effectiveness.
135. Whilst it is appropriate for part 5 of the policy to make clear the requirements for consideration of sensitive development near the CSTW, *London Plan* policy D13 makes clear that the agent of change principle would need to be considered if any applications were made. As such part 5 does not need to explicitly repeat this. Consequently, as drafted it is in general conformity with the *London Plan* and is sound.

Responding to the challenge of climate change

136. Policy SP14 details how the Council will appropriately plan for the consequences of climate change. This will be through ensuring that the development and use of land in Bexley contributes to the mitigation of and adaption to, climate change, these being consistent with the aims and purpose of the NPPF and in general conformity with the *London Plan*. There is a suite of development management policies which flow from this strategic policy.

137. *London Plan* policy SI2 highlights that the mayor is committed to London becoming a zero carbon city. It also encourages boroughs to include BREEAM targets in their plans where appropriate. Part 3 (a) of policy DP30 supports this approach and it is also appropriately flexible as it allows for use of Passivhaus or other appropriate sustainability measures. Parts 1 and 2 of the policy are clear for the decision maker and part 4 would reflect the requirement of *London Plan* policy SI 5 C. Overall policy DP30 would be in general conformity with the *London Plan* and on this basis we conclude that it is justified.
138. Policy DP31 addresses energy infrastructure. However, for the plan to be sound there is not a need for this policy to specify an approach to promoting lower carbon heat, given that this and the need to produce energy strategies and masterplans for major schemes are addressed in *London Plan* policy S1 3 and its supporting text.
139. Policy DP32 sets out the approach to flood risk and requires development in areas at risk of flooding to be subject to a site specific Flood Risk Assessment. *London Plan* policy SI 12 Flood Risk Management references the *Thames Estuary 2100 Plan*. This focuses on a partnership approach to tidal flood risk management. For policy DP32 to be justified and effective **MM035** is required to ensure that it is clear that new development in riverside areas helps to reduce flood risk both now and in the future. It also sets out clear requirements for development within or close to Tidal Flood Zones and aligns the wording with policy SP1. We have also adjusted the wording of this modification, as consulted on, to make clear that the sequential test has been passed, at plan level, in designated industrial areas and in the Thamesmead and Abbey Wood Opportunity Area.

Conclusion

140. Subject to the main modifications identified above, the plan is consistent with national policy and effective in relation to environmental challenges in Bexley.

Issue 9 – Whether the housing requirement figure across the plan period is likely be met and an ongoing five year supply of deliverable housing land is likely to exist?

141. The plan sets out a housing trajectory detailing for each of the plan's allocated sites and other, already permitted, large sites the number of dwellings anticipated to be completed in four time periods across the overall plan period.
142. Based on site by site detail set out in the Council's *Five Year Housing Land Supply* document (1 April 2022), the trajectory also summarises the number of dwellings likely to be completed on smaller sites with existing permissions and the small sites windfall allowance commencing in 2025/26. The windfall

allowance is consistent with the small sites target figure for Bexley, set out in Table 4.2 of the *London Plan*, paragraph 4.2.3 of which states “provides the compelling evidence” of a reliable source of windfall sites as required by the NPPF.

143. The updated trajectory indicates that against a plan period housing requirement of 10,960 dwellings the plan provides for at least 11,863 developable dwellings, a comfortable margin of supply over the requirement of around 8%. The evidence and discussion at the hearing session demonstrates that this supply figure is a cautious one. In particular, as detailed in Issue 4 above, some of the allocated sites may provide significantly more homes than the minimum figures set out in the relevant policies on which basis the 11,863 dwellings supply figure has been calculated.
144. Allowing for the appropriate 5% buffer the trajectory demonstrates that there is currently a 5.25 years supply of deliverable housing land in Bexley and that a deliverable supply of at least 5 years is likely to exist throughout the plan period. Once again this is a relatively cautious figure, particularly given the proposed modifications to the plan to facilitate windfall housing development outside the Sustainable Development Locations (see Matter 2).

Conclusion

145. In conclusion, the evidence indicates that the housing requirement figure across the plan period is likely to be met and that an ongoing five year supply of deliverable housing land is likely to exist.

Overall Conclusion and Recommendation

146. The Council has requested that we recommend modifications to make the plan sound and capable of adoption. We conclude that the duty to co-operate has been met and that with the recommended main modifications set out in the Annex the Bexley Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Malcolm Rivett & Deborah Board

Inspectors

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