



The Planning
Inspectorate

Report to Croydon Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO
THE CROYDON LOCAL PLAN – STRATEGIC POLICIES**

Document submitted for examination on 2 April 2012

Examination Hearings held between 11 September and 19 September 2012

File Ref: PINS/L5240/429/6

Non-Technical Summary

This report concludes that the Croydon Local Plan – Strategic Policies provides an appropriate basis for the planning of the Borough over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that any modifications necessary to enable them to adopt the Plan be recommended. Almost all the modifications to address this were proposed by the Council and their inclusion has been recommended after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Include a policy setting out the presumption in favour of sustainable development (**MM1**);
- Make clear that the provision of Gypsy and Traveller pitches should not have an unacceptable impact on biodiversity (**MM2**);
- Amend Table 4.2 to make it clearer and more accurate (**MM3**);
- Remove reference to the 1km threshold (**MM4**);
- Remove an inaccurate reference to a bus transit route and include further references to parking and congestion on the A23 (**MM5 – MM9**);

Introduction

1. This report contains an assessment of the Croydon Local Plan – Strategic Policies (the Plan)¹ in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that 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 authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted draft plan (approved by Full Council on 30 January 2012) which consists of the Proposed Submission Core Strategy of September 2011 as modified by the Proposed Submission Core Strategy (policies CS2, CS4 and CS5) of January 2012.
3. The report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that any modifications should be made that are needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and account has been taken of the consultation responses in writing this report.

Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that consideration be given to whether the Council has complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation.
6. The London Plan provides the strategic context for the Plan. It has been confirmed that the Plan is in general conformity with the London Plan. However, the Council is still required to co-operate with surrounding councils and other relevant organisations. The Council has consulted all relevant bodies and provided details of those who have and have not participated in Stakeholder Meetings and/or workshops and those who have or have not made formal representations at various stages of the Plan. A number of these bodies have signed a Memorandum of Understanding confirming that the

¹ The Plan was originally called the Croydon Core Strategy but was renamed following the introduction of the National Planning Policy Framework and Local Plan Regulations 2012.

Council had carried out its statutory duty to co-operate. Those who did not respond were notified that their silence would be taken as assent – none disputed this.

7. The Council has, therefore, carried out its statutory duty to co-operate.

Assessment of Soundness

Main Issues

8. Taking account of all the representations, written evidence and the discussions that took place at the Examination Hearings, 16 outstanding issues on which the soundness of the Plan depends have been identified.

Issue 1 – Is the preparation of the Plan consistent with advice in paragraph 153 of the National Planning Policy Framework (the Framework), the gist of which is that a single Local Plan should be prepared and any additional development plan documents should only be used where clearly justified?

9. Croydon proposes to prepare what is in effect a two stage Local Plan in which the Plan provides the wider context - and more detail will be provided through the emerging Croydon Local Plan – Detailed Policies and Proposals. While this is not the approach now advocated in the Framework, much of the preparatory work on the Plan was carried out at a time when such a two stage approach was acceptable and work was well advanced when policy on this changed.
10. To have changed tack at a late stage in the process would have delayed the production of a plan for Croydon and conflicted with the aim of ensuring that an up-to date-plan is in place.² Given this background and given that it is the Council's intention to produce the Croydon Local Plan – Detailed Policies and Proposals as a matter of priority, the approach taken by the Council is justified.

Issue 2 – Does the Plan adequately reflect the presumption in favour of sustainable development set out in the Framework?

11. The Framework makes clear that plans should be based on and reflect the presumption in favour of sustainable development and contain clear policies that guide how that presumption should be applied locally. While the Plan contains implicit support for this presumption this is not made explicit. In this respect, therefore, the Plan is unsound in that it is not consistent with national policy. This would be remedied by the inclusion of a policy which specifically set out the presumption in favour of sustainable development as is proposed

² National Planning Policy Framework, paragraph 12

in main modification **MM1**.

Issue 3 – Would the numbers of dwellings proposed in the Plan meet the full, objectively assessed needs for market and affordable housing in the area?

12. Over the period 2011-2021 there is a need for some 13,201 dwellings in the Borough. The Plan aims to provide a minimum of 13,300 dwellings over that period. This target, which is derived from the London Plan, remains valid. Over its early years, therefore, the Plan meets the full, objectively assessed need for housing.
13. The same is not true for the later years of the Plan. For the period 2021-2031 the London Plan target for housing provision in Croydon is a minimum of 13,300 dwellings while Croydon Council estimates its needs over that period to be 14,700 dwellings. The target for housing provision in the Plan for that period is a minimum of 6,900. While this minimum figure could, theoretically, be exceeded there is scant evidence that this is likely to be the case.
14. However, the figure of a minimum of 6,900 dwellings is based on the Council's assessment of the capacity of the Borough to accommodate housing as established through the Greater London Authorities Strategic Housing Land Availability Assessment 2009 (SHLAA) and the Croydon Housing Typologies Study of 2010. The latter study estimates housing capacity inside the Croydon Opportunity Area (the central area of Croydon which will be the focus of much housing growth over the Plan period) and the former study estimates housing capacity outside that area.
15. Both are thorough and credible pieces of work the findings of which were not seriously challenged at the Examination other than by the suggestion that the housing capacity of the Borough could have been boosted by identifying suitable sites within the Green Belt. This possibility is considered further in Issue 8 and, for the reasons set out there, is not considered to be justified. The Council's estimate that the Borough only has the capacity to accommodate a minimum of 6,900 dwellings in the latter part of the Plan period is, therefore, based on the best available evidence.
16. While this sits uneasily with the aim of significantly boosting the supply of housing land³ the fact remains that one of the test of the soundness of the Plan is that its policies must be effective. The Plan would not be effective if its policies included housing figures which the Borough simply would not have the capacity to deliver. This is a point that should be given considerable weight.
17. Moreover, Croydon should not be looked at in isolation. It forms part of the wider London housing market. Consideration of and planning for the supply and demand for housing is most effectively addressed and co-ordinated at the

³ National Planning Policy Framework, paragraph 47

London wide level. The Mayor has announced an intention to revise the London Plan with the revision due to be adopted in 2016. It is that plan which will set updated Borough wide housing targets for Croydon. Work has already started on a new Strategic Housing Land Assessment which will inform that plan. The London Plan is part of the development plan and when it is adopted its revised housing targets will supersede those in the Plan both before and after 2021. If, after the publication of the revised London Plan, it were necessary to accommodate additional housing growth, the Plan could be modified at that time. This is also a point that should be given substantial weight.

18. It is also the case that the Mayor has confirmed that the Plan is in general conformity with the London Plan and in coming to this decision he was aware that the minimum figure of 6,900 dwellings falls short of the target set in the London Plan. It was not disputed at the Hearings that this was a point that should be given considerable weight.
19. The situation is, therefore, that the Borough has only limited capacity to accommodate additional housing; a Green Belt Review is not justified at this time; there is the prospect of an early review of the London Plan at which the supply and demand for housing will be considered at a London wide level; if necessary this would lead to a review of the Plan itself; and the Mayor has confirmed that the Plan is in conformity with the existing London Plan. That being so the Government's aim of boosting the supply of housing land would not be achieved by delaying the adoption of the Plan to await a review that will in any event take place before any shortfall in housing land manifests itself in 2021.
20. Therefore, the Plan makes a credible attempt to meet the current assessment of the need for market and affordable housing in the area.

Issue 4 - Does the Plan identify a 5 year supply of housing land and broad locations for growth in the longer term?

21. Although the Council cannot currently demonstrate a five year supply of deliverable housing sites, it has a record of having consistently done so since 2004. In future years therefore it will be expected to deliver a five year supply plus a 5% buffer. The indications are that in the future it will be able to do this as the current supply of land is based solely on extant planning permissions and unimplemented Unitary Development Plan Allocations. As such it does not, for example, take full account of sites identified through the SHLAA.
22. As part of the work on the emerging Croydon Local Plan – Detailed Policies and Proposals, a further 270 sites are being appraised and these include the SHLAA sites not currently taken into account in the 5 year supply calculation. It is anticipated that the majority of these sites will be put forward as potential housing allocations through the emerging Croydon Local Plan – Detailed Policies and Proposals. When such sites are allocated in that plan they will count towards the 5 year supply. While there can be no certainty at this time as to the precise capacity of the sites that will be allocated in this manner, the indications are that they have the potential to more than remedy the current shortfall in housing land supply. On balance therefore, there would be little

merit in delaying the preparation of the Plan to await certainty on this point.

23. As to the longer period, it is established later in this report - when considering Issue 6 - that the Plan does identify broad locations for growth in the longer term but more work on this matter will be carried out as part of the emerging Croydon Local Plan – Detailed Policies and Proposals.
24. As has been established, the Plan is part of a two stage process and will shortly be followed by the emerging Croydon Local Plan – Detailed Policies and Proposals which will provide updated information of land supply in the short and long term. That being so, sufficient information has been provided to indicate that adequate sites and broad locations for housing will be identified to meet housing targets over the period of the Plan.

Issue 5 – Does the Plan make adequate provision for gypsy and traveller sites?

25. The Plan does not identify a five year supply of specific deliverable gypsy and traveller sites or broad locations for these. This is something that will be done through the emerging Croydon Local Plan – Detailed Policies and Proposals. In the interim, however, the Plan includes a criteria based policy (CS 2.7) against which proposals for gypsy and traveller sites can be assessed. That Policy includes the requirement that such proposals should not have an adverse impact on biodiversity. As the Council acknowledges, this is too onerous a requirement, the correct test is that such proposals should not have an unacceptably adverse impact. In this respect, therefore, the Plan is unjustified and hence unsound. This unsoundness would be remedied by including the word 'unacceptably' as proposed in **MM2**.

Issue 6 – Are the type of houses proposed in the Plan, and their location, soundly based?

Housing Type

26. The Council has established the need for 60% or so of all new homes outside the Croydon Opportunity Area to have three or more bedrooms and has assessed the capacity of SHLAA sites and windfall sites to accommodate such homes.⁴ The need for such dwellings and the ability of identified sites to accommodate them has not been seriously challenged and on examination both proved to be based on reasonably reliable evidence.
27. The suggestion was made that the requirement for three bedroom homes would be a constraint on growth, the argument being that higher density development was needed to boost housing numbers but higher density development would not produce such homes. There is little merit in this argument as there would be no purpose in boosting housing numbers by building dwellings of a type for which there was little need and, more

⁴ Document 3099. Technical Paper Housing. Paragraphs 3.56 to 3..59

significantly, the housing figures contained in the Plan have taken account of the high percentage of larger dwellings needed outside the Croydon Opportunity Area.

Housing Location

28. Housing sites will be allocated in the emerging Croydon Local Plan – Detailed Policies and Proposals. The Plan limits itself, therefore, to identifying broad locations for growth, with Policy CS1.2 confirming that the Croydon Opportunity Area will be the primary location of growth with Waddon, Purley, Coulsdon, Broad Green and Selhurst also playing a substantial role. These areas are indicated on the Key Diagram and in Figure 4.1.
29. Growth would be concentrated in these areas because they have good public transport links to other parts of the Borough and beyond, because they have the capacity for growth (over half the SHLAA sites accounting for almost three quarters of their total capacity is in one of these broad locations), because they contain four key regeneration areas and because they are judged to be sustainable locations for growth.⁵
30. The principal criticism of this approach is that it disregards sites in the Green Belt but, for the reasons set out when considering Issue 8, the exceptional circumstances that would warrant such a review do not exist in Croydon.
31. The Plan does not say that all growth will be concentrated in these specified areas, indeed the Key Diagram and Figure 4.1 indicate other areas where moderate or limited growth is proposed, nor does it say that all development within these areas will be acceptable. Matters such as congestion, flooding and effect on local character will be dealt with on a site by site basis, initially through the emerging Croydon Local Plan – Detailed Policies and Proposals. The Plan does, however, provide sufficient high level guidance on the location of growth in Croydon to provide a framework for the preparation of that emerging Local Plan.

Issue 7 – Are the affordable housing policies in the Plan soundly based?

32. Affordable housing is dealt with in policies CS2.3 and CS2.4. Policy CS2.3 sets a strategic policy target of 25% of all new homes over the Plan period being either affordable rented or social rented and 10% to be intermediate affordable housing. This gives an overall target figure of 35% and is based on information obtained from the Local Housing Market Assessment. The credibility of this source of information has not been challenged. Over the last 10 years affordable housing has accounted for some 40% of all housing. A figure of 35% appears, therefore, to be achievable.
33. On an individual site basis, Policy CS2.4 seeks to achieve up to 50% affordable housing on sites of 10 or more units while for smaller sites a commuted sum

⁵ Document ED 17. Briefing Note. Broad Locations of Growth in Croydon.

would be sought. The use of the words 'up to' gives necessary flexibility to the 50% figure. The threshold of 10 units is derived from the London Plan and no substantial reason has been advanced as to why this would be inappropriate in Croydon.

34. Table 4.1 of the Plan makes clear that a minimum site requirement will be applied to sites within and outside the Croydon Opportunity Area. Clearly this reduces the scope for site by site negotiation as it imposes a baseline below which a scheme would not be acceptable – unless the Council chose to support it by using the commuted sums gained from smaller schemes.
35. However, the evidence is that the majority (some 83% or so) of the first 10 years of housing supply in the Borough is viable at the minimum affordable housing rate of 15%. This evidence is derived from the Croydon Affordable Housing Viability Assessment of August 2010 and its update of October 2011. These are robust pieces of evidence which make conservative assumptions about build costs, sales values and rental values⁶ and are, therefore, reasonably reliable.
36. Moreover, this minimum figure will be reviewed periodically by way of a Dynamic Viability Model. Rather than have a fixed and unvarying minimum level of affordable housing provision over the Plan period, the use of the Dynamic Viability Model allows for this to be varied over time as the viability of schemes, and hence their ability to support affordable housing, alters according to market conditions. Rather than seeking to predict how key variables (build costs, sales values and alternative use values) will change over the plan period, such variations are built into the model. This means that the minimum level of affordable housing will change over time as market conditions dictate. This gives a necessary degree of flexibility to the policy.
37. Table 4.2 of the Plan provides some illustration of how minimum levels of affordable housing provision could change as build costs and sales values rise and fall. However, in order to perform this function to any useful extent the figures in it need to be accurate, which in the submitted version of the Plan they are not, and detail provided about the House Price Index and BCIS Index numbers used in the Table. This table is, therefore, ineffective and hence unsound, a point recognised by the Council. To remedy this unsoundness the modifications proposed in **MM3** should be implemented.
38. There are differences in the way affordable housing policies will be applied to sites within the Croydon Opportunity Area and those outside. The minimum level of affordable housing will be reviewed less frequently within this area (once every three years rather than annually), there could be a lower requirement for on site affordable housing provision and greater flexibility in

⁶ Document ED/22. Council Briefing Note. Assumptions Supporting Affordable Housing Policy CS2.4

the split between affordable rented/social rented and intermediate housing and, as a last resort, a review mechanism (of which more later) would be brought into play.

39. However, such differences in approach simply reflect the larger scale and longer lead in times of sites within the Croydon Opportunity Area and the findings of the Affordable Housing Viability Study which support lower on site provision of affordable housing within this area. Also of relevance is the fact that the high density development expected to take place there may warrant a different tenure split to that set out in Policy CS2.3.
40. The delivery of housing within the Croydon Opportunity Area is vital to the Plan and a tailored approach to the provision of affordable housing is, therefore, warranted. This includes the review mechanism, referred to above, whereby 10% of the housing on the site would be required to be affordable but beyond that commuted sum payments would be deferred and calculated on the basis of the gross development value of the site at some future date. If the gross development value rose the affordable housing contribution would increase up to a limit of 50% and if it decreased, the affordable housing contribution would be fixed at 10% on site. This is a valid attempt to ensure that housing schemes go forward even when they are unable at the outset to provide a minimum level of affordable housing but gives some prospect of a more substantial contribution being made if market conditions improve.
41. Undoubtedly the affordable housing policies are complex but they are an attempt by the Council to meet the considerable demand for affordable housing is met while ensuring that the required level of affordable housing remains economically viable in changing market conditions. Moreover these policies, in their emerging form, have been applied to and adhered to in a number of large housing schemes in the Croydon Opportunity Area.⁷
42. The affordable housing policies in the Plan are, therefore, soundly based.

Issue 8 – Should the Plan include a commitment to undertake a Green Belt Review?

43. It was suggested that the supply of housing land would be boosted if the Plan included a commitment to carry out a Green Belt Review as this would enable reserve housing sites in sustainable locations in the Green Belt to be identified in the emerging Croydon Local Plan –Detailed Policies and Proposals.
44. However, it is to be expected that the impetus for any Green Belt Review in Croydon would come from the London Plan. While Policy 7.16 of that Plan does not specifically rule out such a possibility, it gives scant support to it – indeed it strongly supports the current extent of London's Green Belt.

⁷ Document ED21. Briefing Note. Affordable Housing Policy Schemes

45. The essential characteristics of Green Belts are their openness and permanence and once established, their boundaries should be altered only in exceptional circumstances.⁸ The Council's view is that any shortfall in housing provision post 2021 does not amount to the exceptional circumstances that would warrant a Green Belt Review. This is a decision that it is entitled to come to given that the Mayor has announced the review of the London Plan, a review that will revisit the question of housing numbers and hence, presumably, Green Belt boundaries on a London wide basis. Moreover, the Council has a valid concern that had the Plan contained a commitment to a Green Belt Review then it would have attracted Mayoral opposition on the grounds of non-conformity. There is, therefore, insufficient justification for the Plan to contain a commitment to review Green Belt boundaries in the Borough.

Issue 9 - Are the existing Green Belt boundaries soundly based?

46. It was suggested that the process by which the Green Belt boundaries in the vicinity of the houses at 261 Hayes Lane, Kenley was not clear, that a modification to the Green Belt boundary at that property had been made in the 1960's and a subsequent planning permission for housing had been granted.
47. With the passage of time there is little evidence to indicate how precisely the Green Belt boundaries evolved in this area. The fact is, however, that these boundaries exist and are longstanding. It is by no means clear whether the modification to the boundaries was validly made – although it is a fact that it did not make its way onto any proposals map – and the planning permission for housing was not implemented and has now lapsed.
48. While the Green Belt boundary at this property does not follow any physical feature on the ground the same is true for other parts of the Green Belt boundary in this area. Moreover the existing boundary serves to check the unrestricted sprawl of the large built up area in the Borough. The exceptional circumstances that would warrant even a minor review of Green Belt boundaries do not, therefore, exist.

Issue 10 - Policy CS3.2 seeks to ensure the retention and redevelopment of existing industrial and employment sites. How consistent is this approach with the aim of avoiding the long term protection of such sites where there is no reasonable prospect them being used for that purpose?

49. The Plan takes a restrictive approach to the release of employment sites for
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⁸ National Planning Policy Framework, paragraphs 79 and 83.

other purposes. In order to do this it divides such sites into 4 tiers with the highest policy protection being afforded to tier 1 and so on down.

50. Such an approach is consistent with the findings of a recent review of employment land⁹ which concluded that additional employment land should not be released over the plan period. This restrictive policy is also consistent with Policy 4.4 of the London Plan which requires precisely such an approach. Indeed, in Croydon a strategic monitoring benchmark of 11ha has been set for the transfer of employment land to other uses and there is a proposal to reduce this to 9ha.
51. It is also relevant to note that the majority of employment sites in the Borough fall into tier 4 of the policy where a flexible approach is taken and the transfer of employment land to other purposes would be acceptable if a case can be made that the site has been fully and properly marketed and no purchasers or tenants have been found.
52. Croydon Metropolitan Centre is in tier 3 of the policy where a somewhat more restrictive approach is taken, but this would still allow for the release of employment land where it has been established that there is no demand for it and as long as industrial and commercial uses do not, in effect, become marginalised. This is consistent with the generally flexible approach towards employment development taken in Policy CS3.1.
53. Policy 3.2 would not, therefore result in the long term protection of employment sites where there is no reasonable prospect of them being used for that purpose.

Issue 11 – Does the Plan give sufficient recognition to Biggin Hill Airport as a Strategic Outer London Development Centre and does it indicate how it will work with Bromley to take forward the potential of this area?

54. The Plan makes specific reference to Biggin Hill Airport in the supporting text. It is also shown on the Key Diagram and on various maps and referred to in the Glossary. The Council also accepts¹⁰ that further references should be made to the role of Biggin Hill Airport as an employment generator and to continuing liaison with the London Borough of Bromley. However, such references fall into the category of minor modifications and are thus beyond the scope of this report.
55. There would be little to be gained by making specific reference to supporting bus links between Biggin Hill Airport and Croydon Metropolitan Centre when this matter is dealt with in general terms in Policy CS8.10b with its reference to improving orbital bus routes.

⁹ Document 4003. Office, Industrial and Warehousing Land/Premises Market Assessment.

¹⁰ Document ED23. Statement of Common Ground with Biggin Hill Airport Ltd.

56. The Plan does, therefore, give sufficient recognition to Biggin Hill Airport and the need for joint working with Bromley.

Issue 12 – Does Policy 6.2 place suitable emphasis on enabling major developments to make district energy connections?

57. Policy 6.2 requires major developments to be designed to enable connection to district energy systems. It was suggested that this policy places too much emphasis on such connections being feasible and financially viable, emphasis that is not reflected in Policy 5.6 of the London Plan. However, for the policy to be effective its requirements must be feasible and financially viable. The submitted policy is, therefore sound in this respect. The Council does, however, acknowledge that Policy 5.6 of the London Plan requires all new major development to be designed to enable connection to district energy systems and not only those, as is stated in the submitted version of Policy 6.2, within 1 km of a planned or existing district energy system. In this respect the Plan is, therefore, ineffective and hence unsound. This unsoundness would be remedied by removing reference to the 1km threshold as is proposed in **MM4**.

Issue 13 - Policy CS6.3 makes compliance with the Code for Sustainable Homes (CfSH) and the achievement of BREEAM standards a requirement even though these are voluntary. What are the local circumstances that warrant this?

58. Policy 5.3 of the London Plan requires the highest standards of sustainable design and construction and states that the Council should consider the need to develop more detailed policies based on such principles. These principles include a target for the reduction of carbon dioxide (Policy 5.2) and a target for water consumption (Policy 5.15) which are the equivalent to those required for CfSH Level 4. Moreover, the evidence indicates that Croydon has higher domestic carbon dioxide emissions than the average for London and it is in an area of water shortage. Policy CS6.3 of the Plan which requires that development provide at least CfSH Level 4 is consistent with the London Plan and supported by local evidence.

59. Moreover, the principles of sustainable design and construction set out in Policy 5.3 of the London plan go beyond dealing with minimum energy and water requirements and also deal with minimum air pollution levels and water run off rates. In Croydon air quality objectives have not been met and the entire Borough has, therefore, been designated an Air Quality Management Area. Croydon also has within it large areas at high risk of flooding . Such considerations justify seeking to reduce air pollution and water run-off rates – matters that are also dealt with by the CfSH and BREEAM.

60. Compliance with CfSH and BREEAM standards as required by Policy CS6.3 is, therefore, justified by policies in the London Plan and by local evidence.

Issue 14 – Are the parking policies in the Plan consistent with the London Plan and with national policy and does the Plan make sufficient reference to the need to address problems of congestion on the A23?

Parking

61. The parking policies in the Plan (policies CS8.15, CS8.16 and CS8.17) seek to

encourage car free developments and good public transport access where the development proposed is large enough to enable alternative means of transport to be provided; to reduce the amount of surplus parking in the Croydon Opportunity Area; and to apply the parking standards in the London Plan in areas with poor public transport access. More detailed parking standards for each of the Borough's District and Local Centres will be identified in the emerging Croydon Local Plan – Detailed Policies and Proposals.

62. Such an approach is consistent with Policy 6.13 of the London Plan which aims to strike an appropriate balance between promoting new development and preventing excessive provision of parking spaces. It is also consistent with the aim of improving the quality of car parking in town centres¹¹ - an aim that does not rule out reducing surplus provision where this is identified. Indeed the Council acknowledges that the submitted plan does not lay sufficient emphasis on the importance of such reductions, particularly in the Croydon Opportunity Area. In this respect the Plan is unjustified and hence unsound. This element of unsoundness would be removed, and the parking policies in the Plan would be made consistent with the London Plan and national policy, by the inclusion of specific reference to such reductions in parking provision as is proposed in the main modifications referred to below.

Congestion

63. Various policies in the Plan seek to direct growth to the most sustainable locations (Policy CS1); to make the fullest use of public transport (Policies CS8.3, CS8.4 and CS8.5); to promote walking (Policy CS8.6) and cycling (Policy CS8.7); to promote improvements to tram infrastructure (Policy CS8.8) and rail infrastructure (Policy CS8.9) and to encourage car free development (Policy CS8.15). Implicit in all these measures is an attempt to deal with the problem of congestion on the A23 which is identified in the Plan as being a key priority and a number of improvement schemes are identified.
64. However, the Council acknowledges, when Transport for London has undertaken its feasibility studies, not all of these schemes will necessarily prove deliverable. Moreover one such scheme has been referred to in error. In its submitted form the Plan is not, therefore justified and is unsound. This unsoundness would be overcome by including references to deliverability and deleting the inaccurate reference as set out in **MM5 – MM9**.

Issue 15 – Is the policy dealing with community facilities sufficiently specific and does it provide an appropriate level of protection?

Sufficiently Specific

65. Policy CS5.3 deals in general terms with the provision and protection of
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¹¹ National Planning Policy Framework, paragraph

community facilities. The question was raised as to whether it should include specific references to facilities such as Purley Pool. While the Council agreed at the Hearings that Purley Pool should be retained either on its existing site or a nearby site, the Plan is a strategic document and is not the place to deal with individual sites. These will be dealt with through the emerging Croydon Local Plan – Detailed Policies and Proposals. There is, therefore, no need for Policy CS5.3 to refer to specific sites.

Appropriate Level of Protection

66. Policy CS5.3b aims to protect existing community facilities where these still serve, or have the ability to serve, the needs of the community. This provides a significant level of protection to community facilities and while alternative forms of wording could, no doubt, be devised the policy in its submitted form cannot be described as either weak or ineffective.
67. Policy CS5.3 does not suggest that the protection would be waived if alternative community facilities, similar to the existing, were provided locally, nor does it need to. It is a generally worded policy that must be read in conjunction with saved Policy CS2 of the Croydon Replacement UDP. This policy seeks to ensure that before an existing community site is redeveloped for other purposes, its ability to be used by other community uses has been fully explored. It is in the context of this more detailed policy that judgements about whether, in a particular instance, suitable alternative provision for an existing use is indeed being made in the locality. This is not, therefore, a matter that need be dealt with in Policy CS5.3.
68. Policy CS5.3 is, therefore, suitably specific and provides an appropriate level of protection for community facilities.

Issue 16 – Is there any justification for adding to or subtracting from the list of Local Areas of Special Character (LASC) set out in Appendix 5?

69. Policy CS4.13 aims to strengthen the protection afforded to a range of heritage assets including LASCs, a list of which is contained in Appendix 5 to the Plan. There is pressure to define more LASCs because of the added protection they bring and Policy CS 4.14 commits the Council to regularly updating this list. Rather than respond to requests to designate further LASCs on an ad hoc basis, it is the Council's practice to deal periodically with such requests. The next occasion when this will be done will be as part of the preparation of the emerging Croydon Local Plan – Detailed Policies and Proposals.
70. Deciding whether or not to designate a further LASC is a matter of making an aesthetic judgement about the character of an area. The fact that a particular LASC has already been designated (for example Woodcote Valley Road) next to and closely related to a proposed LASC (for example Box Ridge) would not prejudice the chances of the latter being designated as a LASC. There is, therefore, no justification at this time for adding to or subtracting from the list of LASCs contained in Appendix 5.

Other Matters

71. In response to matters raised during the Examination the Council produced uncontested evidence to demonstrate that Purley Way is correctly identified as

a Tier 1 employment site, that Cane Hill will deliver about 700 homes over the plan period and that the Plan provides a suitable basis for identifying those areas in which tall buildings would be appropriate.

Assessment of Legal Compliance

72. The examination of the compliance of the Plan with the legal requirements is summarised in the table below. The Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Croydon Local Plan – Strategic Policies (the Plan) is identified within the LDS dated March 2012 which sets out an expected adoption date of March 2013. The Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations HRA has been carried out and is adequate.
National Policy	The Plan complies with national policy.
Regional Strategy (RS)	The Plan is in general conformity with the London Plan.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

73. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that , in accordance with Section 20(7A) of the Act, its adoption as submitted is not recommended. These deficiencies have been explored in the main issues set out above.

74. The Council has requested that main modifications be recommended to make the Plan sound and/or legally compliant and capable of adoption. It is concluded that with the recommended main modifications set out in the Appendix the Croydon Local Plan – Strategic Policies satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

RJ Yuille

Inspector

This report is accompanied by the Appendix containing the Main Modifications