



**EXAMINATION OF THE HARROW LOCAL PLAN 2021-
2041**

HEARING STATEMENT

**MATTER 4: ENVIRONMENT, GREEN INFRASTRUCTURE
AND SOCIAL AND COMMUNITY INFRASTRUCTURE**

ISSUE 5

5 June 2025

Matter 4: Environment, Green Infrastructure and Social and Community Infrastructure

Issue 5: Are the Plans policies which address the Environment, Green Infrastructure and Social and Community Infrastructure justified, positively prepared, consistent with national policy and in general conformity with the London Plan

5.1 The evidence base acknowledges that there is a shortfall in burial space within the wider west London area. EBIT02 identifies that there is a shortfall within Harrow cemeteries of between 200-300 burial spaces per annum. What is the latest position in relation to this matter?

5.1.1 The position remains as set out in the EBIT02 (London Borough of Harrow Burial Space Context Report - September 2024).

5.1.2 The current gap in the provision of burial space in Harrow Cemeteries is between 200-300 burial spaces per annum. The land requirements for this level of provision equate to between 900 and 1,350 sqm per annum.

5.1.3 The following actions will be taken to address the issue, as set out in the Burial Space Statement of Common Ground signed between the boroughs of Harrow, Ealing and Brent:

5.1.4 The three boroughs have agreed to work together to address this issue, with the following initial measures being undertaken:

(a) Site search work commissioned by Ealing to look at potential burial space sites outside Ealing / London would have regard to sites that would be of sufficient size to meet the provisional needs of the three boroughs and if this identified such potential opportunities these would be brought to the other boroughs' attention for consideration and if warranted, investigations progressed through formal joint working arrangements.

(b) Harrow would continue to consider sites within its own borough to potentially meet part or all of its own needs and has approached appropriately experienced property consultants to undertake this work; this work will be undertaken in 2025/26.

(c) The three boroughs will participate in the forthcoming London-wide Audit of London Burial Space Provision being undertaken by the Mayor of London to inform the forthcoming new London Plan. The audit is planned to be undertaken during Autumn 2025. It is understood from the GLA that the project will update the last audit and, at present, no significant divergence from the existing methodology is planned. Overarching aims will be to: determine existing and future supply and

demand for space on a per borough basis; summarise capacities; and provide recommendations to address shortages. Once completed, it will form part of the evidence base for Borough-wide work on burial space and for each Borough's development plan.

5.1.5 The formal (consultancy-led) work by the Council to identify potential sites within Harrow will be informed by the London-wide Burial Study (being undertaken by the Greater London Authority) and is expected to be completed later this year.

5.2 The Council have referred to an application made to Three Rivers Borough Council for the expansion of the Carpenters Lawn Cemetery. There is no mention of the application within the SoCG with Three Rivers Borough Council. What is the status of this application?

5.2.1 EBIT02 (London Borough of Harrow Burial Space Context Report) refers to the discussions that have taken place with Three Rivers regarding burial space, noting that:

Three Rivers Council (15/07/2024): Three Rivers have not undertaken a full study regarding burial space. Undertaking that work through the IDP process (Sept 2024). There has been an application to extend the cemetery at Carpenders Lawn Cemetery.

5.2.2 Three Rivers District has since clarified that an application to extend Carpenders Lawn Cemetery has not been received.

Policy CI1: Safeguarding and Securing Social Infrastructure

5.3 Is policy CI1 sufficiently flexible to provide a basis for the assessment of any applications which may come forward and is it clear how the policy would be applied?

5.3.1 The policy has been drafted to determine proposals for new social infrastructure as they arise and provides sufficient flexibility. Modifications have been proposed (LBH/ED9) that will provide further clarity with respect to its application.

5.3.2 Part A of the policy supports the management/ delivery of infrastructure in relation to the impacts of new development. Proposals for new or enhanced social infrastructure will be supported subject to meeting the policy criteria in Part B. The Council will seek to protect existing social infrastructure and proposals relating to the loss of facilities will be required to demonstrate that the criteria in part C have been met.

5.4 Paragraph 6.1.2 acknowledges that social infrastructure plays an important role in developing strong and inclusive communities. In light of this, why is it necessary for any proposals relating to new or enhanced social and community infrastructure facilities to demonstrate need?

5.4.1 Paragraph 6.1.2 of the plan states:

Social infrastructure plays an important role in developing strong and inclusive communities. It can provide opportunities to bring different groups of people together, contributing to social integration and the desirability of a place.

5.4.2 The requirement to demonstrate need is necessary as it reflects the wider objective of the plan to meet objectively assessed development needs across the borough. The provision of social infrastructure that meets identified local needs is essential to deliver sustainable growth. Proposals for new or enhanced social infrastructure are expected to respond to identified development needs that arise from the development proposals and the findings of relevant evidence base documents, including the Council's Infrastructure Delivery Plan (IDP),

5.4.3 Infrastructure that does not meet identified needs will not support sustainable growth across the borough and is likely to be surplus to requirements.

5.5 Sport England have raised concerns regarding the wording of policy CI1 and whether it accords with paragraph 103 of the Framework. In the first instance, the definition of social infrastructure within the policy does not accord with the glossary. Secondly, I agree the current wording is not clear. The Council should look to address this through alternative wording.

5.5.1 The Council will defer to the definition of social infrastructure contained in the glossary and refer to this in the policy and supporting text.

5.5.2 Sport England's representation refers to the cross referencing of CI1 in policy CI3, noting that:

'As highlighted previously, Sport England welcomes that the Local Plan has a specific sport and recreation policy and that the supporting text appears to be based on the recommendations of the Councils Indoor and Outdoor Sports Facilities Strategy, however it is concerned that Policy CI3 may not be sound as refers to Policy CI1 when considering replacement provision.'

5.5.3 The representation goes on to state that:

If Policy CI3 E a. removes the requirement of meeting Policy CI1 then Sport England would consider Policy CI3 to be sound.

- 5.5.4 In response to this representation, the Council proposed modifications (LBH/ED9) to delete the cross reference to CI1 in part E (a) of Policy CI3 as follows:

'Any loss of facilities would be replaced with by equivalent or better provision in terms of quantity and quality, in a suitable location ~~in accordance with Policy CI1 (Safeguarding and securing social infrastructure); or~~

- 5.5.5 The proposed modification addresses Sport England's concerns.

5.6 Are parts B (b), (d) and (e) and C of the policy a justified and effective approach? Is the reference to enhanced social infrastructure at part A of the policy a justified approach?

- 5.6.1 Part A of the policy states that:

Proposals will be required to make contributions towards the provision of enhanced or new community infrastructure, in locations where there are existing capacity issues or a need is identified to support new development.

- 5.6.2 The proposed wording is justified in that existing capacity issues are defined in evidence base documents, which will be updated during the life of the plan.

- 5.6.3 Part A provides flexibility to address infrastructure deficiencies through new provision or upgrading of existing facilities. There may be instances where infrastructure capacity issues can be addressed by improving or adding to existing infrastructure, an example of this would be improving the quality of an existing facility such as a community hub, to increase the number of residents that it is able to serve. Modifications have been proposed (LBH/ED9) to confirm that proposals will be required to make contributions where additional needs are generated. Facilities should be appropriately located to meet these needs.

- 5.6.4 The extent of infrastructure contributions will depend on the nature and scale of the proposal. As a minimum, CI1 would be payable to fund provision, where the proposed development meets the specified thresholds.

- 5.6.5 In relation to part B (b), the Council believes there should be a locational connection between the provision of infrastructure and the community it is intended to serve. Without this connection the provision will not be effective or address shortfalls in infrastructure identified in the evidence base. Such a disconnect could also promote unsustainable transport choices and raise strategic cross boundary matters.

- 5.6.6 Parts B (d) of the policy reflects the evidence base and is consistent with an approach that seeks to deal with infrastructure needs, rather than defer them. Modifications have been proposed (LBH/ED9) to provide further clarity to this part of the policy.

- 5.6.7 The requirement for flexible and adaptable provision in part B (d) is proposed to maximise the potential for provision to meet infrastructure needs in manner that is accessible to all members of the community and provides the best chance of meeting multiple infrastructure needs identified in the evidence base. Co-location of facilities where possible will ensure that needs can be met in a sustainable manner. Taken together, the approach provides an appropriate strategy to meet infrastructure needs within the borough, which avoids relying on provision elsewhere. The proposed wording is effective and justified in the context of the Framework.

Policy CI3: Sport and Recreation

5.7 Is part A of the policy justified by the evidence base and does it accord with national policy?

- 5.7.1 Part A of the policy is justified by evidence and accords with national policy. It states that:

A. Proposals that would increase the capacity and quality of outdoor sport and recreation facilities, and those that would secure community access to private facilities, will be supported provided that:

a. There would be no conflict with Green Belt, Metropolitan Open Land or open space policies;

b. The proposal would not have a detrimental impact on any heritage significance or biodiversity assets within or surrounding the site; and

c. There would be no adverse impact on residential amenity or highway safety.

- 5.7.2 Part A of the policy supports the promotion of healthy communities across the borough and reflects the spirit of the guidance contained in chapter 8 of the Framework and the provisions of paragraph 103, which states that:

'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.'

- 5.7.3 Part A(a), (b) and (c) are also broadly consistent with this guidance.

- 5.7.4 Document EBIT03 (London Borough of Harrow Indoor and Outdoor Sports Facilities Strategy 2024-2037) provides evidence on access to and the quality of sports and recreation facilities across the borough. Part A is consistent with the findings of EBIT03.

5.8 What is the purpose of part C (a and b) of the policy and policy GR7 A which appear to duplicate the same requirements?

5.8.1 The Council agrees that Part C (a and b) of the policy duplicate GR7. It is suggested that this part of the policy could be deleted and a statement added to the supporting text, to the effect that external floodlighting will be required to comply with the provision of policy GR7.

Strategic Policy 06: Social and Community Infrastructure

5.9 Is the wording of part A ‘must’ and part e ‘requiring all development’ positively prepared?

5.9.1 Part A reflects the Council’s general position that development is expected to contribute to meeting the infrastructure needs that it generates. Modifications have been proposed (LBH/ED9) to delete part e.

5.10 Is the policy as drafted sufficiently flexible?

5.10.1 The policy is sufficiently flexible. It provides a broad framework of objectives for the forthcoming policies in chapter 6 and reflects the importance of ensuring that sufficient social infrastructure is delivered to support sustainable growth across the borough.

5.11 How does the wording of the policy, which put the onus on new development proposals to demonstrate that adequate infrastructure capacity exists, relate to the role and function of the Council and the IDP as identified at paragraph 6.0.1 and 6.0.2 of the Plan?

5.11.1 Part b of the policy notes that part A will be achieved through:

b. Requiring proposals for new development to demonstrate adequate infrastructure capacity exists or will be provided on and off site to serve the development;

5.11.2 Paragraph 6.0.1 outlines the role and function of the IDP. Paragraph 6.0.2 notes that:

Applicants will be required to assess the impact of their proposals on infrastructure and include measures to facilitate the delivery of new or enhanced infrastructure. Development contributions to infrastructure should be considered in the viability assessment of any proposal.

5.11.3 The IDP forms a source of evidence for the preparation of the Local Plan as a whole but should also be used by developers to determine if sufficient capacity exists to support development proposals. The IDP contains details for planned

infrastructure across the borough, including projects proposed by the Council, which will be relevant considerations for proposals as they come forward.

- 5.11.4 Unlike other aspects of the evidence base, IDPs are ‘live’ documents that are updated as new infrastructure projects emerge. The Council will identify new items of infrastructure on an annual basis as part of the production of its Authority Monitoring Report (AMR) and update the IDP as necessary.

Policy GR11: Planning Obligations

5.12 In what way are parts A and B of the policy as drafted positively prepared?

- 5.12.1 Policy GR11 has been positively prepared in that it reflects the role of planning obligations and the Council’s approach of meeting objectively assessed needs in a way that is consistent with the Framework.

- 5.12.2 The Framework defines a planning obligation as ‘*A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal*’. The tests for such agreements under the CIL Regulations (R122) include that any obligations must be ‘necessary to make the development acceptable in planning terms’.

- 5.12.3 If no agreement is secured to make the proposal acceptable in planning terms, then it should by default be refused as it is unacceptable.

5.13 Paragraph 2.11.3 cross references the IDP (EBIT01) which states that this document will form the basis for infrastructure and funding priorities across the plan period. Should this wording be contained within the policy?

- 5.13.1 Identifying funding priorities is one of the key purposes of the IDP and the Council is content for this wording to be included in the plan at paragraph 2.11.3, rather than within the policy. The prioritisation of projects is identified in the Infrastructure Schedule included in the IDP. The policy relates to planning obligations (as defined by the Framework), whereas the IDP sets priorities for infrastructure generally, with a full range of funding sources (CIL etc) rather than just planning obligations.

- 5.13.2 The allocation of Harrow CIL is included as part of the Council’s Annual Budget Setting process and included in the Capital Programme report which goes to Cabinet in draft (in December each year) and in its final version in February (this report). In agreeing the ‘Borough’ CIL allocations process (i.e. excluding the neighbourhood CIL element), the process agreed by Cabinet requires that this should be informed by the Harrow Local Plan, Infrastructure Delivery Plan (IDP), corporate priorities and external funding opportunities.

- 5.13.3 The latest report (February 2025) acknowledged that a new Local Plan is currently being prepared and that in this context, it was considered prudent not to fully allocate current BCIL balances / anticipated receipts as the final Local Plan / IDP (if found sound) identifies infrastructure needs that would benefit from BCIL to ensure timely provision.

Policy CN2: Energy Infrastructure

5.14 Does this policy take into account MOD safeguarding requirements and will the policy be effective in this regard?

- 5.14.1 The policy takes adequate account of the MOD safeguarding requirements and will be effective in this regard.

- 5.14.2 The MOD representation (215) notes in relation to paragraph 8.2.10 (under the heading 'Onsite Renewable Energy Generation' the potential impact that renewable energy infrastructure can have 'upon military aviation activities, cause obstruction to protected critical airspace surrounding military aerodromes, or impede the operation of safeguarded defence technical installations'.

- 5.14.3 No areas for large scale purpose built renewable energy infrastructure have been identified in the plan and the infrastructure referred to in paragraph 8.2.10 is limited to on-site renewable energy as part of development, rather than the development of large scale, standalone renewable energy infrastructure. Should any applications for such infrastructure be received, they would be referred to the MoD as per their safeguarding thresholds and mapping; as this is an administrative requirement, it is not considered necessary to include within a policy.

5.15 In what way is part A of the policy consistent with the London Plan? Is the reference to counter terrorism infrastructure supported by the evidence base?

- 5.15.1 The Council has taken this question to refer to Policy GR11: Planning Obligations.

- 5.15.2 Part A is consistent with the London Plan (specifically Policy DF1 Delivery of the Plan and Planning Obligations) as it requires securing the provision of affordable housing, as well as other relevant infrastructure required to mitigate the impact of development, including public transport. This reflects the priorities outlined in London Plan Policy DF1. It is noted that suggested amendments to this policy have been agreed in a Statement of Common Ground with Transport for London to address their representations on this policy.

5.15.3 The Infrastructure Delivery Plan (EDIT01) does not specifically identify proposed counter-terrorism projects as these are dependent on the nature of specific proposals coming forward (which influences threat risk) and their location (which will influence the nature and location of counter terrorism infrastructure and the need for any planning obligations). Reference to counter-terrorism is considered justified by paragraph 135(f) of the NPPF 2023, which requires planning policies to create places that are safe, inclusive and accessible ... and where crime and disorder, and their fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.16 Is part E of the policy effective?

5.16.1 The Council has taken this question to refer to Policy CN2 Energy Infrastructure

5.16.2 Part E of Policy CN2 is effective because it addresses proposals for standalone renewable energy infrastructure, in contrast to Parts A-D, which address on-site energy infrastructure. It is an acknowledgement of standalone infrastructure but as no specific opportunities for this type of development have been identified in the plan, it is high-level in its content.

Policy CN3: Reducing flood risk

5.17 The Environment Agency have raised specific concerns regarding the soundness of this policy as currently drafted. How do the Council intend to address these concerns?

5.17.1 A Statement of Common Ground has now been agreed with the Environment Agency. This contains an agreed position on their comments and main points of concern, including proposed modifications that address their concerns in relation to Policy CN3 (LBH/ED11) by agreeing their suggested wording; these amendments address the EA's concerns with respect to soundness.

5.18 With reference to the representations made by Thames Water concerning part F of the policy, should the text be amended to refer specifically to sewer flooding to ensure the policy is precise?

5.18.1 No. The policy currently states that basement development must have regard to flood risk. This includes sewer flooding and no further amendments are necessary.

5.19 Is part G of the policy sufficiently precise to be effective?

5.19.1 Further guidance on natural flood management methods could be provided. Part G should clarify that natural flood management methods are the preferred approach and should be prioritised.

Strategic Policy 07: Green Infrastructure

5.20 Does part C of the policy duplicate national policy and the London Plan and if it does, is this a justified approach?

5.20.1 Part C of the policy states:

C. Green Belt and Metropolitan Open Land (MOL) will be protected from inappropriate development in line with Policy GI1 (Green Belt and MOL).

5.20.2 The strategic policies provide a broad framework for the policies within the chapter. Part C reflects that the Council's approach to Green Belt does not seek to depart from the spirit of national guidance or the London Plan. This approach has resulted in some repetition of these elements but is justified.

5.21 Is Part B of the policy positively prepared? Is there any conflict between parts D and E of the policy?

5.21.1 Part B of the policy states:

B. Access to green infrastructure will be enhanced where appropriate.

5.21.2 Parts D and E state the following:

D. Development will not be permitted on designated open space, other than for small-scale, ancillary facilities needed to support or enhance the proper functioning of the open space in line with Policy GI2 (Open Space), the only exception to this would be for sporting facilities in line with Policy CI3.

E. There should be no net loss of green space in the borough. Additional green space provision will be supported.

5.21.3 Part B of the policy is positively prepared in that it reflects the Council's wider objective to improve access to Green Space across the borough.

5.21.4 Parts D and E of the policy do not conflict. Development that is ancillary to the functioning of green space will be permitted. These facilities have the potential to enhance the space and form part of its normal functioning. In this respect, the Council does not consider that the development of ancillary facilities will result in the loss of Green Space.

5.22 How will part F of the policy be assessed?

5.22.1 Part F of the policy states:

F. The quality and functionality of green infrastructure will be enhanced.

- 5.22.2 This is a high-level statement of intent for green infrastructure that provides a basis for other policies in chapter 7, particularly policy GI2. Green infrastructure serves a range of different functions across the borough. Development proposals that have a direct impact on green infrastructure should enhance its function and the quality of the space.
- 5.22.3 The nature of enhancements will vary on a case-by-case basis but proposals that enhance the quality and functioning of the green space will be supported.
- 5.22.4 Further explanation on this aspect is contained in policy GI2 and supporting paragraphs 7.2.6 and 7.2.7.

5.23 Is part J of the policy a justified approach?

- 5.23.1 Part J states:

J. Green spaces should support the historic environment through their ability to enhance heritage assets and link to local history.

- 5.23.2 Part J reflects the advice from Natural England, which advises that heritage and the historic environment should be a key aspect for inclusion in Green Infrastructure planning.
- 5.23.3 Heritage values can be a catalyst for visiting and enjoying green spaces and other green infrastructure assets. Part J seeks to protect this aspect where it is a relevant consideration, reflecting Natural England's Green Infrastructure Guidance and is consistent with representations received from Historic England. Modifications have been proposed (LBH/ED9) to provide further clarity to part j of the policy.

5.24 The Environment Agency consider the Plan to be unsound due to the lack of a contamination/groundwater protection policy and also the lack of a robust flood risk policy. I note that the Council has suggested a number of potential amendments to the Plan to address these concerns. To what extent have the Council engaged with the EA on these changes? Please provide an agreed SoCG on the matters raised or alternately written confirmation from the EA that the suggestions put forward address the concerns they have raised.

- 5.24.1 A Statement of Common Ground has now been agreed with the Environment Agency (LBH/ED11). This contains an agreed position on their comments and main points of concern, including in relation to contamination / groundwater. It also includes suggested modifications to Policy SP8 and supporting text providing the groundwater policy provisions sought by the agency. These changes address the Agency's concerns over soundness.

Policy GI1: Green Belt and Metropolitan Open Land

5.25 In relation to policy GI1 concerning the Green Belt and Metropolitan Open Land, in what way is part A (b) of the policy which refers to the effect on openness of development adjacent to Green Belt consistent with paragraph 142 of the Framework?

5.25.1 Part A of the policy states:

A. Green Belt Land:

a. Any proposals for development in the Green Belt will be considered in accordance with the NPPF.

b. Development adjacent to Green Belt should not have a significant detrimental effect on the openness of the Green Belt, and must respect the character of its surroundings.

5.25.2 Policy GI1 seeks to protect the Green Belt in accordance with national policy. Paragraph 142 of the Framework which states that:

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence’.

5.25.3 Part b of the policy acknowledges that development adjacent to the Green Belt can have an adverse impact on openness. The Council discourages development in these circumstances that undermines the fundamental aims of Green Belts and the provisions of paragraph 142.

5.26 In what way are parts C, D and E of the policy consistent with the Framework?

5.26.1 Parts C, D and E of the policy state:

C. Proposals for the beneficial use of land in the Green Belt and MOL will be supported where the use would not have an inappropriate impact on the openness and permanence of the Green Belt and MOL, having regard to:

a. Visual amenity and character;

b. Potential to enhance public access as part of the Green Grid;

c. Use of land for food growing or community gardening;

d. The protection and enhancement of heritage assets;

e. Biodiversity improvements;

f. Natural capital improvements.

Redevelopment or Infilling of Sites

D. Proposals for the redevelopment, infilling or partial infilling of previously developed sites in the Green Belt and MOL will only be supported where the proposal would not have a greater impact on the openness and permanence of the Green Belt and MOL, and the purposes of including land within it, than the existing development, having regard to:

a. The height of existing buildings on the site;

b. Visual amenity and character of the site and surrounds;

c. The proportion of the site that is already developed;

d. The footprint, distribution and character of existing buildings on the site; and

e. The relationship of the proposal to any retained development on the site.

E. Proposals on Green Belt or MOL land that may not be in accordance with the NPPF should be put forward in the context of a comprehensive, long term plan(s) for the site as a whole.

5.26.2 Part C of the policy seeks to protect openness in accordance with paragraph 142 and is therefore consistent with the framework. Paragraph 154 of the Framework allows limited infilling as an exception to inappropriate development in the Green Belt. Part D of the policy sets out the factors that the Council will consider when assessing infilling proposals, to ensure the impact on openness is minimised; this element of the policy is therefore consistent with the NPPF.

5.26.3 In relation to part E, proposals for inappropriate development will be considered on their merits, but are more likely to demonstrate very special circumstances where they result in sustainable outcomes and are presented in the context of a long term plan for the site as whole; this is the approach followed on large sites within Green Belt, such as the Royal National Orthopaedic Hospital. Modifications have been proposed to Part E (LBH/ED9) to ensure it is consistent with the Framework.

5.27 Is part F of the policy positively worded?

5.27.1 Part F of the policy states:

F. Proposals for inappropriate development, or redevelopment which would harm the essential characteristics or purpose of the Green Belt or Metropolitan Open

Land will be refused in the absence of clearly demonstrated very special circumstances.

5.27.2 This criterion reflects the requirement for inappropriate development to demonstrate very special circumstances. The absence of such a case is likely to result in a refusal. Such drafting is consistent with the Framework.

5.28 Parts 7.1.7 and 7.1.8 of the supporting text refer to two strategic Green Belt opportunities for redevelopment within the Borough at the Royal National Orthopaedic Hospital (RNOH) and Harrow College. What is the purpose of referencing them within the supporting text and is this an effective approach?

5.28.1 Paragraph 7.1.8 refers to Harrow College as a Green Belt redevelopment opportunity. The college is spread over two sites, one of which is located in the Green Belt at Brooks Hill, Harrow Weald. This site within Green Belt is not explicitly referred to by name in paragraph 7.1.8. Whilst some development may come forward on the Harrow College sites over the plan period, neither are proposed as allocations for development. The Council would therefore be open to paragraph 7.1.8 being removed from the plan. The circumstances relating to the RNOH site and the purpose of referencing it in the supporting text is discussed in more detail in response to the question in Matter 6.

5.29 In relation to the RNOH, the Plan states that this planning permission has now lapsed. How has the site selection process addressed these two sites as well as the additional allocation for gypsy and traveller provision at Watling Farm which are all within the Green Belt when the Site Selection methodology advises that Green Belt and MOL are listed as a site exclusion criterion? Is the approach adopted within the Plan positively prepared and justified?

5.29.1 The approach is positively prepared and justified and reflect the current allocation of these sites within the current Local Plan; a more detailed response to these sites / issues can be found in response to Matters 3 and 6.

5.30 CSD02a refers to a number of changes, including MOL01 which refers to an amendment to the MOL boundary. The Framework is clear that Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case changes should be made only through the Plan making process. The Framework goes onto to note that Strategic Policies should establish the need for any changes to the Green Belt boundaries. Where is the evidence to support the approach being adopted within the Plan and is the approach justified?

5.30.1 The evidence to support the proposed amendment to the MOL boundary is that it is in response to a planning permission granted by appeal [references P/1940/16 /

Appeal Allowed: APP/M5450/W/18/3208434]. This permission and associated planning obligation secured a 'swap' of MOL land, so that there was no net loss; this was achieved by provisions in the agreement that treat the 'swapped' land as MOL until it could be formalised through an amendment to the boundary through a new Local Plan; as such, exceptional circumstances will apply and justify the proposed amendment to the boundary.

- 5.30.2 The Regulation 19 representation from the Mayor of London (Rep 201), as well as the Statement of Common Ground with the Greater London Authority include the following statement: 'LBH is proposing to adjust an area of MOL, as part of a land swap which will result in no net loss of MOL. This is at Harrow on the Hill School, for which a planning application was allowed at appeal. The Mayor has no objections to this proposed land swap given that there will be no net loss of MOL'.

Policy GI2: Open Space

5.31 Is the wording of this policy consistent with the Framework, the London Plan and policy C13, particularly in relation to sports pitch provision?

- 5.31.1 The Council is proposing to remove reference to sports pitch provision through modifications to policy GI2 (as set out in LBH/ED9):

Existing open space, ~~sports pitches, recreational buildings, and playing fields~~ should not be built on unless:

a. An assessment has been undertaken that clearly demonstrates the open space, buildings or land are surplus to requirements; or

b. The loss resulting from the proposed development would be replaced by equivalent or better provision, in terms of quantity and quality in a suitable location; or

c. Proposals relating to the loss of sports and recreation facilities meet the criteria set out in part E of policy C13 ~~The proposals will result in the loss of sports and recreation facilities (including pitches) and meet the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use, or~~

*d. The proposal is for a small ancillary use (maintenance shed, food & beverage, changing rooms) that would enhance the useability of the space and surrounds.;
or*

e. ~~The development is required for critical social infrastructure, the positive benefits of which clearly outweigh the loss of the current or former use.~~

5.31.2 This amendment addresses the concerns raised by Sport England (Rep 214) in relation to the consistency between Policy CI3 and GI2.

5.32 Is the evidence base which supports this policy up to date?

5.32.1 Yes, the Council has published its most up to date evidence on infrastructure provision in the Infrastructure Delivery Plan (EBITO1). The IDP reflects the conclusions of the PPG17 compliant assessment of Harrow's open space, sport and recreation facilities produced in 2010, which identified a deficit of approximately 140 hectares of open space across the borough.

5.33 Are the concerns expressed by Sport England regarding the drafting of this policy and its consistency with the Framework valid?

5.33.1 As set out in the response to question 5.31, the Council has proposed modifications to the policy in response to comments made by Sport England.

Policy GI3: Biodiversity

5.34 Policy GI3 relates to Biodiversity and part G of the policy seeks to achieve a number of measures including minimum net uplift of 15% biodiversity unit value.

5.35 The requirement for a 10% biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The Planning Practice Guidance (PPG) advises that Plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. It will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for instance by applying biodiversity net gain to exempt categories of development or encouraging the use of a different biodiversity metric or biodiversity gain hierarchy.

5.36 How does the policy as drafted take account of the exempt categories of development? Is this approach justified and effective?

5.36.1 The policy recognises exemptions under the Environment Act 2021 and only applies the Biodiversity Net Gain requirement where statutory obligations exist. Section A of Policy GI3 explicitly states that biodiversity plans and BNG metrics are required "unless exempt under the Environment Act 2021." This ensures compliance without duplication or conflict.

5.36.2 The justification is effective, given the Harrow context: Many small-scale developments (e.g. household extensions) are exempt but cumulatively contribute to biodiversity loss. By placing greater emphasis on major and minor qualifying developments (via GI3 Part G), the policy ensures that meaningful BNG is delivered where possible to offset borough-wide losses.

5.37 The PPG also states that Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.

5.37.1 The justification is robust and aligns with PPG (2024) requirements. It is based on:

Local Need

5.37.2 Harrow is one of the most densely populated boroughs in the UK (5,176 persons/km² vs 438 national average). Many wards where development is concentrated have very low natural cover (e.g. Marlborough 4.79%; Edgware 5.18%); Marlborough is located within the Opportunity Area. Access to nature is deficient in several key areas. The borough ranks low for Sites of Importance for Nature Conservation (SINC) coverage (15.9%, 21st of 33 London boroughs).

5.37.3 The low level of SINC's within the Borough suggests a historic long-term decline in the quality and abundance of protected/priority species and habitats. These indicators justify a minor increase in BNG requirements above the national statutory minimum of 10%, subject to other considerations such as local opportunities to provide BNG and the impact of any additional requirement on viability.

Local Opportunity

5.37.4 Harrow has a proven track record of securing BNG >10%, with up to 20% delivered on large sites under the current plan. The Council owns significant land (including areas within the Green Belt) which could deliver several habitat banks and/or biodiversity offset schemes. The site allocations also provided scope and opportunity to deliver on-site biodiversity net gain. The policy increases the opportunity for the council to facilitate the delivery of the emerging London Local Nature Recovery Strategy (LNRS).

Viability Evidence

5.37.5 Plan level viability study (Oct 2024) (EBLEO2) tested the impact of the emerging policy requirement for Biodiversity Net Gain. The study concluded that the combined impact of 15% BNG and Urban Greening Factor policies had only a

“modest impact” on residual land values (a reduction of circa 0.4%) and could be “viably absorbed.” This aligns with the Government’s own BNG Impact Assessment (2019), which found limited cost impact for increases in Net Gain of up to 20%. Together, these factors provide a clear and justified basis for exceeding the statutory 10% BNG threshold in Policy GI3.

5.38 Where is the evidence base to support this approach and in particular the need for a higher percentage? The evidence base includes EBBCO1 Harrow Biodiversity Net Gain Working Paper (November 2024) which is marked as a draft document, has this evidence base been finalised?

5.38.1 The evidence contained in the EBBCO1 represents the latest information on Biodiversity Net Gain; it remains unchanged as a working draft. The delivery of the target is also assessed in the viability assessment (EBLE02).

5.38.2 The NPPG notes that a justification for an increase above the statutory objective of 10% should include evidence of local need for the higher percentage, local opportunities and viability. No further guidance is given on what the guidance should contain.

5.38.3 The key points of justification provided by Harrow are as follows:

Local Need

5.38.4 There is a variation in natural cover across the borough. Wards likely to see the most development over the Plan period (Greenhill, Marlborough and Wealdstone South) have low / below average levels of natural cover (8.95%, 4.79% and 18.26% respectively).

5.38.5 There is a variation in the distribution of open space. The majority of open space is located in the north of the borough. This means that expected development and population growth in the Harrow and Wealdstone Opportunity Areas will place greater pressure on the limited public and private open space.

5.38.6 Harrow ranks relatively poorly with respect to the number and extent of Sites of Importance for Nature Conservation (SINCs) (as set out in EBBCO1).

5.38.7 Those parts of the borough likely to experience the most development (Greenhill, Marlborough and Wealdstone South wards) also fall within areas with a deficiency in access to nature (as set out in Map 5 in EBBCO1).

5.38.8 Biodiversity provision in Harrow is relatively poor compared to the national and regional averages. Areas within the borough that are expected to experience the highest levels of development are also those areas with more limited natural cover (as set out in EBBCO1).

Opportunities for the provision of Biodiversity

- 5.38.9 The Council has been seeking net gain for an extended period and has been able to secure up to 20% on a number of larger developments. This demonstrates that the proposed level of delivery can be achieved.
- 5.38.10 Appendix 2 of the Harrow Biodiversity Net Gain Draft Working Paper (EBBC01) identifies the opportunities to deliver net gain across the borough.

Viability

- 5.38.11 The Plan-level Viability Assessment (EBLE02) indicates that when assessed at a borough-wide level, the proposed level of provision represents a relatively small percentage of overall development cost and is economically viable in combination with other policy requirements.
- 5.38.12 Taking account of these factors, the proposed BNG target is viable in the context of the advice provided in the National Planning Practice Guidance (PPG).

5.39 To what extent has the viability work undertaken take into account the 15% minimum net uplift and does this evidence demonstrate that the 15% is deliverable?

- 5.39.1 Viability testing was conducted for the 15% BNG requirement as part of the Plan-Level Viability Assessment (Oct 2024) (EBLE02). The testing assessed a baseline position of 10% biodiversity net gain as well as the proposed policy position seeking 15% by incorporating a cost allowance which was the greater of (a) 0.4% of build costs, in line with the DEFRA Impact Assessment, which achieves 15% biodiversity net gain or (b) the cost of 2 biodiversity credits per hectare.
- 5.39.2 The findings indicate that the 15% BNG, combined with GI4 Urban Greening Factor requirements (0.4 residential / 0.3 non-residential), has a relatively modest impact (a 0.4% reduction) on residual land values and can therefore be viably absorbed by development.
- 5.39.3 These findings are supported by national-level analysis from the Government's own BNG Impact Assessment (2019)¹, which shows that increases in Net Gain of up to 20% have limited financial impact on viability.
- 5.39.4 This demonstrates that the 15% BNG requirement is financially and reasonably deliverable in the Harrow context.

¹ Net gain impact assessment

Strategic Policy 08: Responding to the Climate and Nature Emergency**5.40 Are the suggested changes put forward concerning groundwater and land quality issues necessary for soundness?**

- 5.40.1 Further changes to the policy have been made following discussions with the Environment Agency, to ensure consistency with national policy. These are reflected in the Statement of Common Ground with the EA (LBH/ED11) and address the EA's concerns with respect to soundness.

Policy CN1: Sustainable Design and Retrofitting**5.41 Do the criteria within the policy present a justified and effective approach and is the approach, which seeks to set local energy efficiency standards, consistent with national policy?**

- 5.41.1 The criteria set out in Policy CN1: Sustainable Design and Retrofitting are justified as they have been informed by an appropriate evidence base, namely EBBC04 - Delivering Net Zero: An evidence study to support planning policies. This study was commissioned by participating London boroughs (including Harrow). The study identifies two policy options, with indicative wording; draft Policy CN1 reflects Option 2.
- 5.41.2 The current London Plan has a requirement for all new development to be net zero carbon (this was also a requirement of the previous London Plan). The Delivering Net Zero study was triggered by the latest edition of the Building Regulations for new buildings (Part L 2021) and the need for London boroughs to update their current energy and carbon planning policy targets in that context. It also has regard to the Future Homes Standard and the Future Building Standard, which is anticipated to replace Part L 2021 in the next few years (EBBC04, page 4).
- 5.41.3 Both policy options outlined in the study seek to achieve net zero carbon, the difference between the two being how net zero carbon is defined and what it includes:
1. Policy option 1 generally only considers regulated energy use (i.e. Part L 2021) and allows carbon offsetting to play a significant role.
 2. Policy option 2 considers all energy used in the building (except EV charging points) and seeks to achieve a balance between energy use and on-site renewable energy generation, only allowing offsetting to address a potential imbalance. (EBBC04, page 31).
- 5.41.4 For each policy option, energy and cost modelling was undertaken to investigate how different building archetypes would perform against the metrics in (i) Part L 2021, (ii) Policy option 1 and (iii) Policy option 2, using different combination of specifications (fabric and ventilation, heating system, and solar PVs). These

results were then used to inform the process of target setting and constitute the evidence that the associated policies are technically achievable. Finally, the cost modelling can be used to identify the additional cost of these policies above minimum building regulations compliance (Part L 2021); these costs were then reflected in the plan-level viability testing (EBLE02).

- 5.41.5 Each combination of specifications (24 in total) was modelled for eight different building typologies (see figure 4.1) for each option and a range of outcomes determined for the each metric identified with the policy option, which in turn informed the targets for the policy option; by doing this, the targets contained in draft policy CN1 are justified as they have been based on modelling for building typologies that reflect the type of development envisaged in the draft Harrow Local Plan, and effective because they represent achievable energy solutions for new development in the borough. They have also been subject to viability testing (see responses to 5.42 below).
- 5.41.6 It should be noted that Policy Option 2 was identified as the preferred policy option in the Regulation 18 version of the Plan (LPPD01), with Option 1 being a reasonable alternative. Paragraphs 8.1.20-8.1.24 of the Regulation 18 version discusses the rationale for Policy Option 2 being the preferred approach. This is mainly because it is more encompassing with respect to measuring all energy usage (rather than just 'regulated' energy under the Building Regulations) and is also more robust as it sets absolute targets rather than relative targets (i.e. % carbon reductions relative to Part L of the Building Regulations). This also means that the policy is effective.
- 5.41.7 The evidence base study which policy CN1 relies upon was prepared in the context of the need for any local plan policy to be consistent with national policy. To this effect, open legal advice was sought by the consultant team who prepared EBBC04. This was prepared in light of the Written Ministerial Statement titled "Planning – Local Energy Efficiency Standards Update" (13 December 2023) ("the 2023 WMS") and the obligation to be in general conformity with the London Plan.
- 5.41.8 The advice and reasons can be summarised as follows:
- a) Neither section 1(2) of the Planning and Energy Act 2008 ("PEA 2008") nor the 2023 WMS prevents local planning authorities from bringing forward policies modelled on either Policy Option 1 or Policy Option 2, nor do they prevent Inspectors from finding such policies to be sound. Policy Option 2 is supported by the more general power flowing from the duty in section 19(1A) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") (see also response to Matter 1, Issue 2, Questions 2.11-2.12).

- b) The 2023 WMS does not prevent local plan policies based on Policy Option 2 from being brought forward by local planning authorities or being found to be sound in examination. The judgment in *R (Rights Community Action) v SSLUHC* [2024] EWHC 1693 (Admin) rejected the contention that the 2023 WMS emasculated or was incompatible with the powers in section 19 of the PCPA 2004. It is certainly correct that the 2023 WMS does not constrain or delimit the extent of the duty in section 19(1A).
- c) So long as there is a robust evidence base – a reasoned and robustly costed rationale – it is open to examining inspectors, in the exercise of their planning judgment, to determine that policies based on Policy Option 2 are consistent with national policy on climate change mitigation and the net zero obligation, and, to the extent that there would be deviation from the 2023 WMS, that can be justified on the evidence.
- d) The meaning of the phrase “in general conformity” entails sufficient flexibility for both Policy Options 1 and 2 to be found to be in general conformity with the London Plan.

5.41.9 For the above reasons, the Local Plan has an appropriate legal and policy basis to seek to set local energy standards as proposed in draft Policy CN1.

5.41.10 The proposed standards are consistent with the spirit of the framework which supports sustainable design and the provisions of paragraph 157, which state that:

The planning system should support the transition to a low carbon future in a changing climate,

5.41.11 The policy criteria relating to energy use are derived from EBBC04 - Delivering Net Zero: An evidence study to support planning policies. For example, the Energy Use Intensity (EIU) targets reflect the suggested standards of this document.

5.42 In what way does the viability evidence support the approach being adopted?

5.42.1 The Plan-level Viability Assessment (EBLE02) tests the cumulative impact of all the policies in the plan, including the standards contained in CN1. The assessment demonstrates that the approach taken by the Council in CN1 is viable when modelled alongside other policy requirements; refer to Matter 2 for a more detailed response.

Within document CSD05, the Council have noted that viability may be impacted by the policy but does not identify any overarching issues with this policy requirement. The Plan identifies that the policy may result in some reductions in affordable housing delivery.

With reference to tables 6.28.1 and 6.28.2 of the Viability evidence, can the Council please explain how these statements are correct? If the Council consider these statements are correct, please could the Council provide evidence from the viability evidence to support this statement and identify what the impact on affordable housing delivery would be?

- 5.42.2 It is important to note that Table 6.28.1 assumes that each development scenario will provide 35% affordable housing. In practice, when a developer brings forward an application, the percentage (or tenure mix) of affordable housing may need to be adjusted to ensure that a scheme is viable when having regard to the cumulative impact of policy requirements. This mirrors the approach in the adopted plan, but critically also the approach identified in Policy H5 of the London Plan, which makes explicit provision for a ‘viability tested’ route for schemes not able to viably meet the policy requirements to the full extent identified in the development plan. Therefore, the outputs in Table 6.28.1 need to be viewed in this context.
- 5.42.3 The Viability report tests the cumulative impact of all policies contained within the plan. In relation to net zero on site solutions, it concludes that:
- ‘Net Zero Carbon (on-site solutions): the Council’s emerging policy seeks that developments should aim to achieve net zero carbon. Depending on the approach adopted, the Council’s evidence indicates that this can be achieved at a cost of somewhere between 3% and 5% of construction costs. The impact of this requirement (in terms of average reduction in residual land values) ranges from 20% to 33%. Clearly, where schemes are on the margins of viability, it is possible that this reduction in residual land value may result in reductions in affordable housing in the short term. However, it can be reasonably expected that the cost will fall as more developers integrate low carbon technologies into their developments in response to changes to policy requirements at local and national levels.’*
- 5.42.4 Tables 6.28.1 and 6.28.2 confirm that whilst the viability of some schemes may be affected by the proposed standards (in the short-term), the proposed approach is viable when assessed at a plan-wide level and over the plan period.

5.43 What is the evidence which the Council are relying upon to support the application of this policy and the specific circumstances applicable to the Borough which support the policy as currently drafted?

5.43.1 The policy as currently drafted is based on an appropriate evidence base, namely EBBC04 - *Delivering Net Zero: An evidence study to support planning policies*. participating *London boroughs* (including Harrow). The study identifies two policy options, with indicative wording; draft Policy CN1 reflects Option 2.

5.43.2 The specific circumstances applicable to the borough is that the London Plan (part of the boroughs development plan and which the draft Local Plan must be in general conformity with) has an existing requirement for all new development to be net zero carbon (this was also a requirement of the previous London Plan). The evidence base study and resultant draft policy was triggered by the latest edition of the building regulations for new buildings (Part L 2021) and the need for London boroughs to update their current energy and carbon planning policy targets in that context. The draft policy also has regard to the Future Homes Standard and the Future Building Standard, which is anticipated to replace Part L 2021 in the next few years (EBBC04, page 4).

5.43.3 The policy sets a number of benchmarks to ensure sustainable design across the borough. New buildings across are expected to meet these standards, unless material considerations state otherwise. The proposed standards are derived from EBBC04 - *Delivering Net Zero An evidence study to support planning policies* which deliver Net Zero Carbon developments.

5.44 In what way does the evidence base, EBBC04 support parts D-H of the policy wording as drafted concerning the retrofit of existing buildings?

5.44.1 The provisions of CN1 (D-H) seeks to encourage a sustainable retrofitting to improve the energy performance of existing buildings, in accordance with the principles set out EBBC04.

5.44.2 EBBC04 notes that new buildings are currently creating a problem and adding a burden:

If new buildings continue to be designed and built to the current standards, they will need to be retrofitted in the next 10-30 years in order to reduce their carbon emissions. For example, any new gas boiler will have to be replaced with a low carbon heating system. This would be much more expensive than designing and constructing them to the right standard now, and this cost would fall mostly on residents, local authorities and housing associations (page 17).

5.44.3 EBBC04 also refers to the new London Net Zero pathway (Accelerated Green), which aims to reduce baseline emissions (30MtCO₂/yr in 2020) by more than 65%

by 2030 down to 10MtCO₂. A key feature of this pathway is for 200,000 homes retrofit each year, to achieve average EPC B or 65kWh/m².

- 5.44.4 At a local level, the ‘Living Harrow: The London Borough of Harrow’s Climate and Nature Strategy 2023-2030’ (EBBC03) identifies that 31.2% of an average resident’s consumption carbon emissions comes from ‘housing & power’ (page 13), namely the existing housing stock. In order to fulfil the Council’s obligations with respect to climate change, it is necessary that the Local Plan seeks to address existing buildings to the extent possible within the planning system (i.e. where a planning application is required)..Parts D-H of Policy CN1 therefore reflects the evidence base and the Council’s climate change obligations.
- 5.44.5 In terms of the specific retrofit standards within the draft policy, London Plan Policy SI 5 Water infrastructure requires that development achieve at least the BREEAM excellent standard for the ‘Wat 01’ water category¹⁶⁰ or equivalent (commercial development) (Part G of draft Policy). The requirement for BREEAM ‘Excellent’ sets the benchmark for other elements of retrofit within policy CN1.
- 5.45 With reference to the policy requirement for carbon offsetting, the viability evidence recommends that the emerging policy should incentivise carbon reduction through on-site solutions. In what way does the policy as currently drafted do this?**
- 5.45.1 Part Ce of Policy CN1 indicates that ‘offsetting will only be accepted as a means to achieving planning policy compliance as a last resort if the building is compliant with all other Net Zero Carbon building aspects’. This essentially means that net zero carbon should be achieved on-site, thereby incentivising carbon reductions through on-site solutions.
- 5.45.2 Carbon offsetting is therefore a last resort and only in certain circumstances (i.e. where the building has been designed and built to achieve the other metrics for on-site solutions). Furthermore, within EBBC04 the proposed carbon offset price has been set at a level that reflects the cost of providing solar PVs on-site, so there is no financial benefit to the scheme of paying an offset contribution compared to maximising the provision of solar PV panels on-site.

Policy CN2: Energy Infrastructure

- 5.46 With reference to part A of the policy, what is meant by a local energy masterplan and is it clear how development proposals should respond to this requirement?**
- 5.46.1 Part A of policy CN2 states:

A. Development proposals must be designed in response to a site-specific assessment of the most effective and efficient energy supply options that are capable of delivering net zero operational carbon, taking into account any local energy master plans where applicable.

5.46.2 The policy reference relates to energy masterplans, as defined in part B of London Plan Policy SI 3 Energy infrastructure as follows:

Energy masterplans should be developed for large-scale development locations (such as those outlined in Part A and other opportunities) which establish the most effective energy supply options. Energy masterplans should identify:

1) major heat loads (including anchor heat loads, with particular reference to sites such as universities, hospitals and social housing)

2) heat loads from existing buildings that can be connected to future phases of a heat network

3) major heat supply plant including opportunities to utilise heat from energy from waste plants

4) secondary heat sources, including both environmental and waste heat

5) opportunities for low and ambient temperature heat networks

6) possible land for energy centres and/or energy storage

7) possible heating and cooling network routes

8) opportunities for futureproofing utility infrastructure networks to minimise the impact from road works

9) infrastructure and land requirements for electricity and gas supplies

10) implementation options for delivering feasible projects, considering

issues of procurement, funding and risk, and the role of the public sector

11) opportunities to maximise renewable electricity generation and incorporate demand-side response measures.

5.46.3 Paragraph 8.2.4 outlines the measures that the promoters of major and minor development proposals are expected to take to investigate low carbon energy options. Such measures are likely to be outlined in energy masterplans, where these are available.

5.46.4 The promoters of development proposals are therefore expected to refer to energy masterplans where these are available and respond to their findings where it is appropriate to do so.

5.47 Is part B of the policy, which repeats the requirements of the relevant London Plan policies, a justified and effective part of the policy?

5.47.1 Part B of the policy states

B. Major development proposals must adhere to London Plan requirements with regard to communal low-temperature heating systems, heating hierarchy and future connections to heat networks (London Plan Policy SI3 Energy Infrastructure, parts D and E).

The potential for unnecessary repetition is recognised, however the Council believes there is some benefit in signposting to the relevant sections of the London Plan, to ensure the requirements of this lesser-known areas of development plan policy are met.

Policy CN3: Reducing Flood Risk

5.48 Does the policy wording accord with the Framework?

5.48.1 Following discussion with the Environment Agency and the agreement of a Statement of Common Ground, the policy is consistent with the Framework.

5.49 Are parts F and G justified, and do they present an effective approach?

5.49.1 Both the Council and the Environment Agency agree that parts F and G are necessary, effective and justified.

5.49.2 Part F of the policy states that:

Basement development will not be allowed on sites within Flood Zone 3b. Outside of these areas, development that involves the formation of new basements, or the change of use of existing basements, must have regard to flood risk and ensure that it is specifically addressed through the Flood Risk Assessment. The installation of resilience measures to basements will be required. Proposals for the formation of new dwellings or additional habitable accommodation within basements will be refused.

5.49.3 Paragraph 165 of the Framework states:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.49.4 Part F of CN3 reflects the particular vulnerabilities of basement development to flood risk and that it is unlikely to comply with paragraph 165 in a Flood Zone 3b area.

5.49.5 Part G of CN3 states that:

Natural flood management methods should be employed in development proposals.

5.49.6 This reflects the Council's support for sustainable drainage mechanisms outlined in policy CN4. The provision is consistent Chapter 14 of the Framework.

5.50 Does the requirement for the installation of resilience measures within basements as set out at part F of the policy need to be viability tested? If not, why not?

5.50.1 The viability assessment tests the impact of policy measures on planned growth. The creation of basements is not identified as a source of housing supply over the plan period.

5.50.2 The Council receives relatively few proposals for basement development as the typical building heights do not justify the provision of basement floorspace. This is not expected to change significantly over the plan period. Any resilience measures will be determined on a site-by-site basis and subject to the conclusions of a flood risk assessment, where this is required to support the proposals. If developers choose to incorporate basement floorspace in their development proposals, they will need to satisfy insurers and providers of warranties that this space has adequate resilience measures incorporated to ensure that building insurance can be secured at reasonable rates.

5.50.3 Taking account of these factors, the viability assessment has not tested the provisions of part F as this is not a form of development that typically comes forward in the Borough.

Policy CN5: Waterway Management

5.51 Are the buffer zones identified at part B of the policy justified by the evidence base?

5.51.1 The 8-metre buffer zone is a standard Environment Agency requirement (for main rivers and has therefore been agreed with the Environment Agency as a mechanism to protect river corridors. This is reflected in the Agency's Regulation 19 representation (rep 216, page 5). The Thames River Basin Flood Risk Management Plan notes that watercourses should include an adequate buffer for flood and maintenance purposes.

5.52 Is part D of the policy which refers to a relevant financial contribution towards other relevant projects for the enhancement or deculverting of other sections of the river or watercourse supported by the evidence base?

5.52.1 Part D reflects the general provisions of the Thames River Basin Flood Risk Management Plan to restore culverted sections of river or watercourse.

5.53 Why have the policy requirements set out at D and E concerning securing improvements to the enhancement or deculverting of other sections of the river or watercourse not been tested through the viability work undertaken?

5.53.1 The viability assessment tests the impact of policy measures on planned growth anticipated over the life of the Local Plan. The measures outlined in Policy CN5 and their associated development are not expected to influence the overall quantum of growth delivered over the period of the plan and given that this is not a standard cost to all development, and particularly the development anticipated to make up the Council's housing supply and anticipated future growth, it has not been included in the whole plan viability assessment. Adding this in as standard would therefore not be appropriate in an area wide assessment as these costs are site specific requirements. Moreover, the costs would be expected to be reflected in the price paid for land and would apply regardless of the type of development proposed were such sites to come forward. In addition, Part D clearly indicates that the financial contribution will be sought, "Where on-site enhancements or deculverting are financially viable but not feasible". In this regard, development would have the opportunity during the course of a planning application to be considered on its own financial merits of viability for this contribution.

5.54 How will part E of the policy be assessed? Is it clear how a decision maker should respond?

5.54.1 Part E of the policy states:

E. Proposals that would adversely affect the infrastructure of main rivers and ordinary watercourses, or which would fail to secure feasible enhancements or deculverting, will be refused.

5.54.2 The policy seeks to preserve and enhance rivers and river corridors across the borough; these criteria are clear with respect to how a decision maker should respond.

Strategic Policy 09: Managing Waste and Supporting the Circular Economy

5.55 How will the requirements of part A (c) of the policy be applied to an outline planning application? Does the policy present a justified approach?

5.55.1 The policy approach is justified. Outline planning applications are expected to provide sufficient information to allow the impact of the proposed development to be assessed and demonstrate that they are in accordance with national policy. This may include outline information on expected waste arisings in accordance with SP9, A (c). Such an approach also reflects London Plan Guidance on the Circular Economy² (page 4).

Policy CE1: Reducing and Managing Waste

5.56 Concerns have been raised regarding the level of detail contained within the policy which contains 16 sub sections. Does this present a justified and effective policy approach?

5.56.1 The policy reflects the importance of sustainable waste management as a planning policy issue. The detailed nature of the policy is proposed to provide clear guidance on expected waste management provision in new development. Furthermore, the policy is structured in a logical manner, with initial overarching requirements (Parts A, B and D), then detailed guidance for specific types of development namely Part C for residential development (a-f for flatted development and g-h for other types of residential development). The provisions of the policy are justified and effective.

5.57 Part C of the policy refers to the guidance contained within the Council's waste management standards – what are these and do they form part of the evidence base?

5.57.1 The Council's waste management standards³ provide detailed guidance with respect to waste storage and collection in relation to new developments. It covers matters such as the types of bins / containers, the volume of bins / containers to be provided, and collection arrangements (i.e. access / drag distances for putting bins out / vehicle dimensions etc). These are not included in the evidence base given their operational nature but are relevant as a reference point in assessing applications against Policy CE1.

² https://www.london.gov.uk/sites/default/files/circular_economy_statements_lpg_0.pdf

³ [Appendix 1 - Harrows New developments planning strategy v4.pdf](#)

5.58 Paragraph 9.1.6 of the supporting text refers to waste management guidance set out within the NPPF -what guidance is this text referring to?

5.58.1 It is acknowledged that relevant guidance is now contained in the National Policy for Waste⁴ and the Council would be open to a modification to clarify this.

Policy CE2: Design to support the Circular Economy

5.59 This policy appears to duplicate policies already contained within the Plan, namely CE1B, GR1B(d), Strategic Policy 8 (e) (g). Does this present an effective approach?

5.59.1 The Council acknowledges that the provisions of the policy are contained elsewhere, and the policy can be deleted.

⁴ <https://www.gov.uk/government/publications/national-planning-policy-for-waste>