



‘Shaping the Borough’ - Waltham Forest Local Plan (LP1) Examination

Response to the Inspectors’ Matters, Issues & Questions

Matter 7: Health, Wellbeing, and Infrastructure to Support Communities and the New Development Proposed in the Plan

February 2022

Issue 1 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to the delivery of infrastructure to support communities and the growth strategy

Q153 Does the Infrastructure Delivery Plan [KD12] contain the full range of infrastructure necessary to support the development proposed in the Plan and how will the Infrastructure Delivery Plan respond to changing circumstances?

The Infrastructure Delivery Plan covers a wide range of infrastructure that will be required to support future growth. Infrastructure projects listed in the Infrastructure Delivery Schedule include the following:

- Transport - Project Ref: 1-26
- Schools - Project Ref: 47-53
- Health – Project Ref: 34-46
- Flood Risk & Water Management - Project Ref: 130-136
- Culture – Project Ref: 54-65
- Utility - Project Ref:27-29
- Waste – Project Ref:30-32
- Sports & Leisure- Project Ref:66-115
- Air quality – Project Ref:112-129

The lifespan of the IDP is intended to match the growth period covered by the Plan and the evidence base studies used to produce the IDP mirrors the evidence base of the Plan. Consequently, the IDP does contain the full range of infrastructure needed to support the Plan.

In so far as responding to changing circumstances, the IDP will be regularly reviewed and updated to recognise changes and the Infrastructure Delivery Schedule will be updated at least annually. The review mechanism will also address any instances of strategic infrastructure delivery times extending beyond the Plan period.

Policy 96 – Infrastructure and Developer Contributions

Q154 Is Policy 96 justified and effective in terms of the contributions that will be sought towards new and improved infrastructure to support development proposed in the Plan?

i. What is the role of the Planning Obligations Supplementary Planning Document in this regard and has that document been published?

The measures sought through a planning obligation will vary depending on the nature and scale of a development, its location and impacts and the Planning Obligations Supplementary Planning Document will provide detailed guidance on our approach to planning obligations. The SPD will also set the recommended delivery model for the required infrastructure. The SPD is currently being produced and is expected to be adopted in tandem with the Plan or shortly afterwards.

ii. Is the policy sufficiently clear about the circumstances in which developer contributions will be sought beyond monies collected from the Community Infrastructure Levies (Borough and Mayoral)?

The policy refers to Section 122 of the Community Infrastructure Levy Regulation 2010 (as amended) which sets out the circumstances in which planning obligations may be sought.

For better clarity and interpretation of Policy 96, the Council proposes to:

- delete Clause F
- Replace with:

F. Where it is necessary to seek planning contributions to make particular development acceptable in planning terms, they will be secured via a legal agreement and in addition to any applicable CIL charges.

Planning Obligations

G. Planning Obligations will be sought in line with Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) or successor regulations and guidance.

- Delete Clause H
- Replace with:

H. Development proposals that do not suitably mitigate their impacts will not be supported

Community Infrastructure Levy (CIL)

- Amend Clauses J & K (renumbered) to read as follows:

I. All **liable** development proposals will be ~~liable~~ **required** to pay the Community Infrastructure Levy (CIL) in accordance with the Boroughs Adopted CIL Charging Schedule

J. All **liable** development proposals will be ~~liable~~ required to pay the Mayoral Community Infrastructure Levy (MCIL)

Issue 2 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to community infrastructure and utilities(Policies 36, 37 and 48 – 55)

Policy 36 – Promoting Culture and Creativity

Q155 Is the policy justified?

Yes, it is based on a robust and credible evidence base involving research/fact finding. Policy 36 is justified in light of the Council's Culture Infrastructure Study 2020, which identifies that cultural space can provide valuable facilities and play an important role in positioning London and the borough as a culture reference. Furthermore, the Sustainability Appraisal Report (KD4.2) has identified the need to improve community cohesion by building on the Borough's arts and culture strengths to support its diverse and changing population. This is a sustainability appraisal objective (See SA Objective 4). The SA report on Policy 36 (page 85) mentions that the implementation of the policy has the potential for a significant positive effect. The policy approach taken is justified.

The National Planning Policy (NPPF 2021) states:
Para 20 Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for (c) community facilities such as health, education and **cultural infrastructure**.

The London Plan (Mayor of London, 2021) goes much further, highlighting the significance of culture across a range of Plan policies, including the following:

- Chapter 7 – Heritage and Culture
- Policy HC5 Supporting London's culture and creative industries
- Policy HC7- Protecting Public Houses - a cultural mix of activities or venues, pubs are often an integral part of an area's day, evening and night-time culture and economy
- Policy SI 16 Waterways – use and enjoyment-
Waterways infrastructure can also facilitate the enjoyment of wildlife, landscapes, heritage and culture
- Policy DF1 Delivery of the Plan and Planning Obligations - recognise the importance of affordable workspace, and culture and leisure facilities in delivering good growth
- Policy E10 Visitor Infrastructure - The special characteristics of major clusters of visitor attractions and heritage assets and the diversity of cultural infrastructure in all parts of London should be conserved, enhanced and promoted.

Q156 What evidence justifies the requirement in criterion F. for schemes over 100 units or 10,000sqm to contribute to cultural enhancement projects?

Policy 36 (Promoting Culture and Creativity) seeks to promote culture, creativity, public art and entertainment as part of the place making process and local identity. The threshold of 100 units or 10,000sqm was included as a desirable threshold, an attempt to capture large developments. However, the Council recognises the lack of supporting evidence to justify the application of this threshold requirement at the present time, pending the completion of cultural strategy. Accordingly, the Council intends to propose a modification to the Plan (as below) to purposely refer to major developments proposals as defined in the Town and Country Planning Development Management Procedure (England).

Replace - Criteria F with "**Requiring all major schemes involving mixed use/commercial space to contribute to cultural enhancement projects in local areas subject to viability considerations**".

i. Has this requirement been subject to viability testing and is the policy sufficiently flexible in this regard?

The Plan is supported by a Whole Plan Viability Study undertaken at high level. As an area wide study, the assessment makes overall judgements as to viability of development and does not take account of individual site circumstances. Accordingly, the viability testing of this policy can only apply at the detailed planning application stage.

The Council considers that the policy requirements are not onerous and will apply on case-by-case basis – subject to viability considerations as set out under Policy 3 (E).

Further information on how the policy would be implemented in practiced will be set out in developer contributions SPD.

ii. Is there an up-to-date and published Cultural Strategy?

The cultural strategy 2010-2030 predates the designation of London Borough of culture to Waltham Forest.

After the Borough of Culture designation in 2019, the council has renewed its approach to address culture issues, the new culture strategy based on

Culture Infrastructure Study 2020 is being prepared, the work was slightly delayed due to covid pandemic.

Policy 37 – Protecting Public Houses (Pubs)

Q157 Is Policy 37 justified and how would it be implemented in practice?

Yes, the policy is justified in light of the 2019 Pubs Cultural Report, part of The Mayor of London's Cultural Infrastructure Plan, and the borough's Cultural Infrastructure Study (2020) which registered that over recent years local pubs across London and the borough have been lost. This policy therefore seeks to protect those pubs that exist and also allow for new ones in town centres and other accessible locations, particularly where they provide wider community facilities and employment.

Chapter 8 of the National Planning Policy Framework (NPPF 2021) (93) draws attention to the need to provide the social, recreational and cultural facilities and services the community needs. It mentions that planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities such as Public Houses

d) the retention and development of accessible local services and community facilities such as Public Houses

Furthermore, the London Plan 2021 includes a policy requirement (Policy HC7) for London Boroughs to protect public houses. It states under (clause B) that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

The Council recognises the practical challenges in preventing pubs from closing. The Council has taken a positive approach through the use of other planning tools including the Asset of Community Value (ACV) regime, the council has received nomination for 26 Public Houses and successfully listed 25 Public Houses as Assets of Community Value. With or without an ACV, any conversion of a pub, development or demolition has to go through the planning system becoming a material consideration when assessing applications for a change of use.

Q158 Is criterion A.ii. sufficiently clear?

The Council recognises that Public Houses (Pubs) support a wide range of cultures, their ties to local sports and other societies, or simply their role as a meeting place for the local community.

The Council accepts that this statement is unclear and therefore, it is proposed to delete criterion A(ii)

~~ii. Have a significant importance for a particular group of the community; and~~

Q159 Is the policy in general conformity with the London Plan in requiring a marketing period of 12 months at criterion B.iii.?

The Council recognises the requirement in the London Plan 2021 (paragraph 7.7.7) for pubs to be marketed for at least 24 months. The Council's policy approach has been carried from the Pubs SPD adopted March 2015. This specifies a marketing period of 12 months.

As justification, it is acknowledged that the length of marketing campaigns for the sale of public houses generally ranges between 12 and 36 months. The Council's locally distinctive approach requires an initial 12-month marketing period for the sale of the site for a public house use, and if this fails to generate genuine interest, a further 12-month marketing period for other community uses. Accordingly, the policy applies a sequential approach, which reflects the Council's preference that public houses are retained for their established use, and if this fails, sufficient opportunity should also be provided for alternative community uses to come forward.

The Council considers that this approach is in general conformity with the 24 months marketing period stated in the London Plan. However, for clarity in interpretation of this policy requirement between the Council's Local Plan and the London Plan, the Council proposes to amend Policy 37 criterion B.iii to refer to a 24-month marketing period as follows:

Policy 37 B.iii. **"There is evidence that the existing use or business operation is not financially viable, and the site has been prominently marketed at a realistic freehold or leasehold price for the same use for a continuous period of at least 24 months"**

Q160 How does the policy relate to Policy 48 (social and community infrastructure)? Is the 12 months marketing period consistent with the requirement of 12-18 months in Policy 48 D.iii?

Policy 48 Social and Community Infrastructure seeks to protect, enhance and provide new social and community facilities. Mindful of the proposed modification made to Policy 37 (Protecting Public Houses), it is proposed to similarly amend the reference made in Policy 48 to refer to a 24-month marketing period.

For the purpose of consistency, the Council proposes a similar modification to Policy 48 (Social and Community Infrastructure) criterion D.iii to replace "12-18 months" with "24 months". follows:

Policy 48 D.iii "If D3 applies evidence must be submitted to demonstrate that the loss of the facility in question would not create, or add to, a shortfall in provision for this specific type of social or community infrastructure in the borough and demonstrate that there is no demand for any other suitable social infrastructure use on the site. The applicant must demonstrate that all reasonable efforts have been made to preserve the facility and site to meet identified local need. Evidence required includes but is not limited to 24 months marketing evidence"

Policy 48 – Social and Community Infrastructure

Q161 Will Policy 48 criterion C be effective in 'expecting' new development to contribute to new infrastructure and are there any implications for the Public Sector Equality Duty in relation to the requirements set out in criterion A (iv and v)?

The policy criteria (iv and v) included under Policy 48 seeks to make sure that community facilities provided are accessible by all. It also gives due regard to the needs of the wider Waltham Forest community especially protected groups that may find it more difficult to gain access to community facilities. The policy encourages shared use of facilities where possible through evening and weekend opening.

The Council believes that a flexible and adaptable building that is accessible to all groups will help to accommodate a wide range of community needs. By extending use to evening and weekends, such

facilities/premises if provided will cater for as many groups as possible including those who have long and unusual working hours.

One of the key objectives of the Plan is to achieve a cohesive community without discrimination that helps to foster good community relations. However, the Council recognises the challenges in ensuring fair distribution/access to facilities and the fact that some groups perhaps for religious/cultural reasons may not want to share facilities.

In granting planning permission, the Council can include a planning condition to require shared use of facilities/weekend or evening use, but in practice this is difficult to enforce. The challenge in delivery is therefore recognised. While the planning system can ensure/safeguard the provision of facilities, in practice, access to these facilities is often beyond the scope of planning. In the circumstances, the Council can only do the best it can to deliver these facilities expecting that those who are responsible for ensuring effective access or shared use by all community groups will deliver the key objectives of the policy.

The Council however recognises that the policy statement as worded – based on an expectation cannot be enforced in practice. This is mindful of the barriers to delivery and the lack of control it has in ensuring a fair/equitable provision in accordance with the Public Sector Equality Duty. For better clarity and interpretation, the Council intends to propose a modification to Policy 48 Criterion C by replacing the word “expected” with “required”

For clarification, Policy 48 (C) should read as “New development will be required to contribute towards the provision of additional social and community infrastructure to accommodate and mitigate the impact of new development upon existing provision”

Policy 49 – Education and Childcare Facilities

Q162 Is Policy 49 criterion B justified in requiring new education/childcare facilities to be in locations with good public transport in addition to being accessible by walking and cycling?

Policy 49 generally accords with the London Plan Policy S1(E) which states that new social infrastructure facilities should be easily accessible by public transport, cycling and walking and should be encouraged in high streets and town centres. The policy is also in conformity with London Plan Policy S3 Education and Childcare Facilities which states that (B) Development proposals for education and childcare facilities should (1) locate in areas of identified need and (2) in accessible locations, with good public transport accessibility and access by walking and cycling.

In support of this approach, Chapter 9 of the National Planning Policy Framework (paragraph 106) mentions that planning policies should minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.

The Council accepts that new facilities should be located in areas of need as recognised by criterion A. However, to achieve sustainable patterns of development, the policy approach taken encourages new facilities in locations with good public transport and accessible by walking and cycling where possible. It is accepted that there may be situations in Waltham Forest where an area of need may be constrained by poor access to public transport, walking and cycling. In such cases, the Council's transport policies (Policies 62 and 63) will apply – requiring measures to ensure connectivity and integration of the public transport network with other transport modes including walking and cycling within and outside the borough.

Policy 50 – Promoting Health and Wellbeing Policy 51 – Health Impact Assessment

Q163 Is Policy 50 justified in encouraging the use of health impact assessments in all major applications?

Yes, Policy 50 is justified in encouraging the use of health impact assessments in all major applications. The Policy approach is consistent with national policy.

Chapter 8 of National Planning Policy (NPPF 2021) states:
Para 92 Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) Promote social interaction
- b) are safe and accessible
- c) enable and support healthy lifestyle

The London Plan 2021 Chapter 1 Good Growth GG3 Creating healthy city states:

To improve Londoners' health and reduce health inequalities, those involved in planning and development must:

- c) use the Healthy Streets Approach to prioritise health in all planning decisions
- d) assess the potential impacts of development proposals and development Plans on the mental and physical health and wellbeing of communities, in order to mitigate any potential negative impacts, maximise potential positive impacts, and help reduce health inequalities, for example through the use of Health Impact Assessments.

i. Would this be effective and how would it relate in practice to Policy 51?

Yes, HIA is a dedicated tool for the advancement of health and wellbeing, although the use of HIA is not a policy requirement. The key policy lever for HIA use comes from the Planning Practice Guidance (PPG) in which it states an HIA is "a useful tool to use where there are expected to be significant impacts" Health impacts may be short-term/temporary, related to construction or longer-term, related to the operation and maintenance of a development and may particularly affect vulnerable or priority groups of the population. Where an impact is identified, actions will be recommended to mitigate a negative impact or enhance or secure a positive impact. Full details on HIA process will be set out in the HIA Toolkit being prepared.

There is a possibility that after being screened HIA liable, that after review of our HIA toolkit, the application is considered by Public Health not to need to submit an HIA. The detail of this approach will be set out in the HIA Toolkit we publish in tandem with the Local Plan-this reflects Public Health England's view that any HIA Policy be justifiable by local evidence.

ii. Are Policies 50 and 51 consistent with each other?

The policy (50) to promoting healthy communities encourages the use of health impact assessments in all major applications, the council has reviewed the threshold for Policy 51 (Health Impact Assessment) and proposed modification to delete criteria A, B and C and replace it with:

A." Major development within air quality management area.

B. Developments which contain any of the following uses:

- **Hot-food-takeaways**
- **Betting Shops**
- **Casinos and amusement arcades (sui generis)**
- **Pay-day loan shops (sui generis)"**

C. Developments of a scale referable to the Greater London Authority (as set out in legislation)"

Therefore, Policy 50 and 51 are now consistent with each other.

iii. Is it sufficiently clear what would be required and in what circumstances a full HIA would be required?

The Council has reviewed the thresholds for Policy 51 (Health Impact Assessment) and for further clarity, we propose a modification to delete criteria A, B and C and replace it with:

A. "Major development within air quality management area.

B. Developments which contain any of the following uses:

- Hot-food-takeaways
- Betting Shops
- Casinos and amusement arcades (sui generis)
- Pay-day loan shops (sui generis)"

C. Developments of a scale referable to the Greater London Authority (as set out in legislation)”

To help provide further clarity it is proposed to delete para 13.14 in supporting text and replace with:

“All the developments listed above will require a rapid HIA which involves a brief assessment of health impacts, including a literature review of quantitative and qualitative local evidence.

Following consideration of a Rapid HIA, the Council may require additional information from the applicant or request the submission of a comprehensive HIA where adverse outcomes could be expected regarding the significance or likelihood of the impact occurring.

Developments of a scale referable to the Greater London Authority (as set out in legislation) will be normally be required to complete and submit a detailed (comprehensive) HIAs.

In implementing the policy, the Council will use the planning application validation process to check for compliance with HIA requirements and that where EIA is required, the Council would expect this to also address HIA requirements.

Applicants for planning permission are advised to contact the Council’s Public Health Team to agree the scope for such more in-depth assessments. To guide implementation, the Council intends to establish a steering group involving the Planning Policy & Public Health Teams and prepare a toolkit on HIAs for additional guidance”

Q164 Should Policy 50 criterion H include access to waterways?

Yes, the Council recognises the need to include access to waterways. Policy 50 (Promoting Healthy Communities) seeks to create healthy and sustainable places and communities.

The Council recognises the value of providing access to waterways and the importance of improving public access to our rivers and canals for recreation, health and social wellbeing. Such access is capable of delivering a wide range of environmental, economic and health and wellbeing benefits for local and wider community.

Therefore, the Council proposes to incorporate separate policy clause "J".

For clarification Policy 50 Criterion J. **"By enhancing the value of waterways for leisure, recreation to promote health and wellbeing for communities (see Policy 85 - Protecting and Enhancing Waterways and River Corridors)"**

Policy 52 – Making Safer Places

Q165 Is the policy justified? How will it be used in practice in relation to Policy 60 (Designing out Crime), which appears to cover the same criteria?

The Council recognises that Policy 52 as worded reflects the Council's intentions/aspirations to improve community safety and cohesion. The Council also notes that the matters addressed appear to duplicate Policy 60. Accordingly, it is proposed to delete Policy 52.

Policy 53 - Noise, Vibration and Light Pollution

Q166 Is the policy justified and positively prepared in requiring 'no increase' in background noise levels in criterion D? Should mitigation measures in criterion C relate to vibration in addition to noise?

The Council notes that the wording of policy requiring 'no increase in background noise levels' is inappropriate as no definitive measure of existing or potential increase in noise level is given. Accordingly, it is proposed to delete criterion D and replace as follows:

"Developers will be required to ensure that noise is reduced to an acceptable level through the use of attenuation, distance, screening, or layout/orientation in accordance with London Plan policy D14".

In response criterion C, it is proposed to amend the policy statement to read as follows:

Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise **and vibration** disturbance in the vicinity of the development.

Policy 54 – Hot Food Takeaways Policy 55 – Betting Shops and Payday Loan Shops

Q167 Are Policies 54 and 55 justified, sufficiently flexible, and will they be effective in supporting healthy choices and lifestyles?

Paragraphs 13.18-13.21 of the Plan provide justification for restricting takeaway uses in the borough. Additional information is included in the Council's response to the follow up questions below.

Similarly, paragraphs 13.23-13.25 of the Plan also provide the justification for the policy approach taken on Betting Shops and Payday Loan shops. Government policy relating to public health has been clear on the option to use planning policy to help address the issue of an increasingly overweight or obese population.

The Department of Health and Social Care document Childhood obesity: a plan for action states: 'Local authorities have a range of powers and opportunities to create healthier environments. They have the power to

develop planning policies to limit the opening of additional fast-food outlets close to schools and in areas of over-concentration'.

The National Planning Policy Framework requires planning policies and decisions to enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs to improve access to healthier food.

London Plan Topic Paper on Hot Food Takeaway Evidence Review States:

Para (8.3) There is evidence that takeaway food is appealing to children. Interviews with children in nursery, primary and secondary schools in London and other parts of the UK, conducted by Barnardo's, identified that pupils view 'fast food' as the most tasty and desirable food.

Para 8.4 London boroughs have some of the highest densities of fast-food outlets in England and it has been shown that more deprived areas have a higher density of fast-food outlets. Cheap, energy dense fast food is targeted at people in lower income groups who spend a greater proportion of their income on food.

Para 8.9 The National Institute for Health and Care Excellence (NICE) public health guideline on the prevention of cardiovascular disease notes that poor diet and overweight/obesity increase the risk of a heart attack. NICE recommends that planning authorities "restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools)"

The PPG on Healthy and Safe Communities (20) has a specific section on using planning to create healthier food environment by allowing local authorities to adopt local plan policies and SPDs which limit the proliferation of certain retail uses in identified areas such as fast-food outlets.

The Town and Country Planning Association (TCPA) and PHE have set out few elements to help achieve healthy weight environments through planning in the 2014 publication 'Planning Healthy Weight Environments' - improving the food environment for both consumption and production of healthier food options.

i. Is it sufficiently clear how criterion A of Policy 54 and criterion B of Policy 55 would be implemented in practice for assessing planning applications?

Yes, planning applications are assessed based on Town Centre Surveys. In practice, where relevant, the planning development management officer will make a site visit and gather any site-specific information such as photographs. Planning officer also use the council's corporate GIS systems to collect relevant information.

As part of the internal consultations process prior to decision making, the case officer discusses issues with relevant teams including Planning Policy, Environmental Health, Licensing, Environment and Public Health. This often leads to a balanced decision considering the merits of the proposal and likely impacts. This practice has been in place since 2009 when the Council first introduced restrictions to tackle the proliferation of fast-food outlets.

The Council has championed this cause over the years, which has involved proactive working across the Council incorporating different strategies such as the Child Poverty Strategy, Healthy Schools Programme and Public Health Strategy with the aim of ensuring that new and existing Hot Food Takeaway businesses operate as responsibly as possible. Externally, the Council has worked collaboratively on this matter with partners such as WF PCT/CCG, GLA, London Met University and various Borough Councils.

ii. What evidence is there to support criteria B and C of Policy 54 and is the incorporated restriction on commercial restaurant activity justified and consistent with national policy?

The NPPF (National Planning Policy Framework 2021) sets out explicit policy requirements pertinent to promoting healthy weight environments.

Chapter 8 of the National Planning Policy Framework (NPPF 2019) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling'.

The proposed policy approach is in conformity with London Plan 2021 and LP topic paper on hot food takeaway states that the policy is made up of three key elements:

1. Proximity to Schools: The policy applies to primary and secondary schools. The majority of secondary school pupils travel to and from school independently and pupils may be allowed out of school premises at lunchtimes. This allows pupils to buy food from takeaways at lunchtimes and on their journey home from school when they are not supervised by an adult. Whilst primary school pupils are not allowed out of school premises during the school day, research has indicated that the most popular time for purchasing food from takeaways or shops is after school and not all primary school pupils will be accompanied home by an adult. The presence of hot food takeaways in proximity to schools also contributes to an obesogenic environment which encourages children to eat takeaway food. A policy that restricts new hot food takeaways within a 400m buffer zone around schools will help to prevent an increase in takeaways within these areas. 400m can be walked in approximately 5 minutes and is the distance adopted by eight London boroughs

The threshold limit of 400m also comes from the London Plan (Policy E9 (D)), which states that development proposals containing A5 hot food takeaway uses should not be permitted where these are within 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary school.

2. Over-Concentration - The policy encourages boroughs to manage an over-concentration of hot food takeaway uses in local, district and town centres, which would help to restrict the proliferation of these uses in locations where there is already an over-concentration and ensure that a viable mix of uses remains

2. Quality Standards Part B of the policy requires that permitted new hot food takeaways achieve the Healthier Catering Commitment standard. The Healthier Catering Commitment helps caterers and food businesses make simple, healthy improvements to their food.

Para 8.10 The Royal Society for Public Health's Health on the High Street report identifies the negative impact of fast-food outlets on health and makes a series of recommendations to make high streets healthier which include:

- using planning controls to limit the concentration of fast-food outlets
- encouraging businesses to adopt healthier cooking practices through schemes such as the Healthy Catering Commitment

Waltham Forest have between 104.4 - 198.9 of fast-food outlets per 100,000 population (PHE Fast Food Map)

The Mayor's Town Centres Supplementary Planning Guidance (SPG) encourages boroughs to manage over-concentrations of activities, for example betting shops, hot food takeaways and payday loan outlets.

iii. How will criterion B of Policy 54 be assessed – is the 400m a radius, a walking distance, or something else? Is 'the boundary' suitably clear?

The 400 metres walking distance from the entrances and exits of an existing or proposed primary or secondary schools will help to prevent an increase in takeaways within these areas. 400m can be walked in approximately 5 minutes and is adopted by London Plan.

Policy 54 criterion B is in conformity with London Plan, in practice, where relevant, the planning development management officer will make a site visit and gather any site-specific information such as photographs.

Different teams such as development management, environment and public health will come together to consider these applications, Planning officer also use the council's corporate GIS (Geographic Information System) systems to collect relevant information.

iv. Would Policy 54 effectively amount to a blanket ban on restaurants with an element of hot food takeaway within 400m of child and youth facilities?

No, the policy only targets to A5 and doesn't apply to restaurants, the council recognises that restaurants may want to offer hot food takeaway but it's not their dominant activity, therefore policy 54 does not amount to blanket ban on restaurants with an element of hot food takeaway.

v. Should Policy 54 apply to premises operating within use class E?

No, Policy 54 applies strictly to hot food takeaways as listed under sui generis.

Issue 3 – Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to transport and achieving a modal shift towards active and sustainable travel (Policies 62 – 69)

Q168 The Strategic Transport Review [EB10.1] (page 35) indicates that several key routes to the north of the Borough in Epping Forest District are operating severely over capacity.

i. Will the housing and employment development in Waltham Forest have an impact on these routes and if so, what are the implications?

ii. Have the transport impacts of the Plan been tested, and if so, how?

The Transport Topic Paper supporting Waltham Forest’s New Local Plan by Arup highlights that there is a higher rate of driving in the north of the Borough, which contributes to congestion on the M25 and M11 in Epping Forest District. This “was identified through transport modelling (utilising the VISUM (v14) Highway Assessment Model to assess the Epping Forest District Council (2019) Local Plan Submission Version (LPSV)”.

The topic paper identified that a number of routes are operating severely over-capacity and anticipated planned growth would worsen this, unless appropriate provision of sustainable transport alternatives is delivered. To support sustainable growth and improvements to air quality in the Borough alternative transport initiatives to encourage people out of their cars will need to be implemented north of the A406. Waltham Forest is committed to reducing private car travel in response to the Climate Emergency. The emerging Local Plan sets out how it will deliver low density car-free development in the north of the borough. Most residential development proposed within the Plan is car-free and employment development is car capped.

Within Waltham Forest a wide range of measures are being implemented to prioritise road space for active travel modes and reduce the capacity for vehicles. These measures include junction improvements that reduce vehicle dominance, improved pedestrian crossing facilities, low-traffic neighbourhoods (LTNs) and the expansion of cycle infrastructure. This forms part of a holistic approach by the borough to reducing vehicle trips by providing the infrastructure for sustainable and active travel and changing behaviour by making car travel less desirable.

Due to the mostly rural, less densely populated context of Epping Forest, (EFDC) will face significant challenges implementing similar measure, although as a neighbouring authority, we will work collaboratively with EFDC to support them with projects and schemes that reduce car dependency within their district as this will have positive effects in both Waltham Forest and help to alleviate conditions in Epping Forest SAC.

The residential car parking standards currently used by Epping Forest District are adopted from the Essex Design Guide 2009, which require a minimum 1 space per 1 bedroom dwelling and a minimum of 2 spaces per 2+ bedroom dwelling. This is in contrast to the tougher standards used in the LBWF Local Plan and London Plan.

In addition to this, by increasing employment opportunities within the borough through the Plan, coupled with the delivery of 15-minute neighbourhoods across the borough, the need for residents to travel out of the borough for work and leisure will be reduced as identified within the Strategic Transport Review.

Supporting Documents:

- Arup Strategic Transport Review
- Essex Design Guide 2009 – Essex Parking Standards

Q169 How will the Plan's policies help to deliver a 30% reduction in road transport and a reduction in nitrogen oxide emissions?

The overarching aim of the London Mayor's Transport Strategy is to ensure that at least 80% of all trips in London are made on foot, by cycle or using public transport by 2041, compared to the figure of 63% in the base year. This recognises that there are different targets set for central, inner and outer London. Waltham Forest's statutory Local Implementation Plan for 2019-2022 commits to a long-term objective of reducing levels of private car ownership and vehicle journeys in the borough to achieve a 30% reduction in private car travel.

The Local Plan policies seek a fundamental shift in favour of sustainable and active travel modes in support of the target. This will be achieved by a combination of the following factors:

- the management and relocation of road space to enable levels of active and sustainable travel in the borough to increase

- the introduction of Low Traffic Neighbourhoods to reduce the capacity of the road network for private car travel and promote active travel
- the requirement for all new residential development in the borough to be car free
- the substantial investment set out in the Council's Transport Strategy aimed at increasing the capacity of the public transport network
- work with the GLA and TfL to bring forward proposals for road pricing and workplace parking levies

The Council has declared a Climate Emergency and a key action going forward is to reduce private car travel. The recent Waltham Forest Climate Emergency survey attracted over 3,000 responses, making it the largest ever response to a Waltham Forest Council survey. 73% of respondents wanted to see a reduction in car journeys through good public transport and helping people to walk and cycle more easily. In order to reduce NO2 emissions, the Council is rolling out the installation of electric charge points to encourage our residents to replace petrol/diesel vehicles with electric.

Q170 What are the implications of the proposed expansion of the Ultra Low Emission Zone (ULEZ) for the Borough's travel patterns and parking strategy?

The ULEZ now covers all areas within the North and South Circular Roads. While the ULEZ is a TfL initiative and they are responsible for overall monitoring of the scheme, the North Circular divides the London Borough of Waltham Forest in half, so LBWF have given some consideration to how this will impact the area of the borough to the north of the A406.

The object of the ULEZ is to reduce trips by the most polluting vehicles, encouraging residents to travel by lower emitting vehicles and sustainable means instead; in the area of the borough within the ULEZ the road network should be less congested and air quality should improve. TfL have recorded a high level of compliance overall, with 92% of vehicles in the zone, 88% of vehicles on the boundary roads and 85% of vehicles outside the zone meeting Euro emissions standards in the first month of the scheme. This suggests the ULEZ will have the effect of increasing the proportion of less polluting vehicles in all these areas and means very few road users are likely to park and ride on the fringes of the ULEZ.

In respect of parking, the current borough wide CPZ map broadly covers the area of the ULEZ up to the North Circular (A406) boundary. So, if the south of Waltham Forest is the final destination for drivers, there will be little change on parking pressure just outside the combined area of ULEZ and CPZs, because there was already limited opportunity to park within the boundary. However, there is a chance parking pressure will be marginally increased in the north of the borough by people making multi-modal journeys and parking around transport nodes like Highams Park Overground Station.

The north of the borough has a low PTAL compared to the rest of Waltham Forest and neighbouring boroughs, so opportunities for mixed journeys are also limited by this.

LBWF have allocated funding for the Highams Park area – including Tudor Road, Wadham Avenue and Tudor Avenue – and highlighted both the ULEZ and future development to local residents, as part of the strategy of introducing CPZs to the wider area. There were parking beat surveys carried out by LBWF Highways team in 2020, along Woodford New Road to the east, Chingford Mount Road to the west and New Road to the north of A406. This area will be kept under review to monitor any change.

EV charging points were delivered in a big push to coincide with ULEZ expansion in October 2021, with 400 sockets being delivered by the end

of March 2022, to support people moving to EV from older vehicles. Sockets have been placed on request through an online request form and targeted around town centre and population growth.

The Enjoy Waltham forest network continues to be expanded, with local improvements in the north. Currently there are outline proposals for regeneration schemes at Chingford Mount and Wood Street to Highams Park. The Strategic Cycle Network will also link the north and south of the borough where there is permeability and is proposed to cross the North Circular to the centre and south of the borough. The borough's bike hanger portfolio is also being increased in the north, with a higher demand in Highams Park. There are now cycle hubs at Highams Park and Chingford stations. This forms part of a wider behaviour change strategy that will support the ULEZ, encourage a move to sustainable transport and ease parking pressure in the north.

Reference Documents:

TfL: EXPANDED ULTRA LOW EMISSION ZONE – FIRST MONTH REPORT

Q171 What implications, if any, does the scale of housing and employment growth proposed in the Plan have for public transport services in adjoining Boroughs? Does the Plan seek to improve accessibility between Waltham Forest and destinations in adjoining Boroughs and, if so, how?

LBWF work closely with adjoining boroughs to maintain and improve the public transport system in north east London. Where appropriate LBWF will consult neighbouring boroughs on development proposals where it is considered that they may be impacted. As part of the North London Transport Partnership (NLTP), which has a core membership of the boroughs of Barnet, Enfield, Haringey and Waltham Forest we are actively seeking to explore bus network improvements by utilising Transport for London funding to undertake studies to improve the connections between the boroughs acknowledging housing and employment growth is expected across all of the boroughs.

In the east of the borough, the redevelopment of Whipps Cross Hospital will see significant investment in bus improvements, that will not only provide greater connectivity across the borough, but also into neighbouring Redbridge and Newham. To further connect the north of the borough to employment and leisure opportunities in the adjoining borough of Newham, Waltham Forest is also actively exploring the reopening of the Hall Farm Curve rail route linking Chingford and Walthamstow direct to Stratford. In Leyton Mills, the Plan seeks to deliver

a new station at Ruckholt Road, which would connect new development to employment opportunities in the Lea Valley Growth area to the north and Stratford in the east.

Policy 64 of the Plan sets out how the borough will promote further connectivity and capacity on the public transport system, which includes extending bus routes to neighbouring boroughs and creating additional capacity at stations to allow residents easier access to work and leisure destinations in neighbouring boroughs.

Policy 65 – Development and Transport Impacts

Q172 Is Policy 65 clear and effective in relation to the scale of development that would trigger the need for a Transport Assessment? What evidence will be required to assess the need for a Transport Assessment?

Policy 65 does not give specific trigger points due to the need to assess sites on a case-by-case basis dependent on scale, location, change of land use, changes to the highway and proximity to sustainable transport infrastructure amongst other factors. In respect of the evidence required applicants would be expected to submit an application form and cover letter in accordance with the standard planning application process that would include details of the site, existing uses and proposed development which would be used as evidence to determine the need for a Transport Assessment.

Policy 67 – Construction Logistic Plans

Q173 For effectiveness, should Policy 67 make clear the scale of development that will trigger the need for a Construction Logistic Plan?

Construction Logistics Plans (CLPs) in Waltham Forest are requested by the Construction Logistics and Community Safety (CLOCS) accredited CLP practitioners and in accordance with CLOCS and Transport for London (TfL) guidance.

A CLP will be necessary for the majority of development sites where new building work is taking place. As set out within the CLOCS / TfL CLP guidance requirements depend on the potential impact of the site on the highway, as determined by Waltham Forest Highways: 'Low Impact',

'Medium Impact' or 'High Impact' developments. Factors taken into consideration include but are not limited to:

- Scale of the proposed development.
- Programme of works.
- Proximity to nearby community considerations.
- Impact walking and cycling infrastructure.
- Impact on sustainable transport routes such as development near bus stops, bus lanes or near to railway stations.
- Capacity of the local highway network.
- Proximity and nature of other sites in the area.
- Propensity of vulnerable road users using routes to / from the site.
- Strategic importance.

Support Documents:

- CLOCS / TfL CLP Guidance
- Link to CLOCS website.

Policy 68 – Managing Vehicle Traffic

Q174 What evidence justifies Policy 68 in requiring all new residential development to be car free?

In October 2021, Waltham Forest Council's cabinet agreed an action plan in Response to the report of the Climate Emergency Commission. The Cabinet received the final report of the independent Climate Emergency Commission in December 2020. *"The Commission was established following the Council's declaration of a 'Climate Emergency' in April 2019 and its signalled intention of being net-zero carbon by 2030."*

The report highlights that, "77% of all carbon emissions in Waltham Forest are associated with transport and homes. Whilst the Council has made progress in these areas, particularly through the implementation of the Enjoy Waltham Forest programme, significantly more needs to be done to make impactful reductions in the emissions from these sources". It has therefore been critical for the council to set ambitious targets through the policy of the Local Plan, which ensures the growing population of Waltham Forest is not car dependent and can choose sustainable transport for most of their journeys. This not only means making new residential development Car Free, it also means ensuring strong policy requirements of developers to provide accessible cycle storage, Car Clubs and good public realm. Developers are expected to

deliver a Healthy Streets Assessment beyond the redline boundary of the site to highlight where improvements can be made in the wider area to support connectivity, and for larger developments must provide a Transport Plan to ensure behaviour change targets and milestones are delivered.

This will all ensure the Local Plan is in line with the Mayor's Transport Strategy to, *"reduce Londoners' dependency on cars in favour of active, efficient and sustainable modes of travel, with the central aim for 80 per cent of all trips in London to be made on foot, by cycle or using public transport by 2041."*

In August 2020, the [Active Travel Academy](#) at the University of Westminster published a report showing that Paris, London and New York are currently required to accommodate around two to three million cars, which are unused more than 90% of the time. Talking about the report, lead researcher Dr Rachel Aldred said: *"In these cities half of households already live without cars, and in intramural Paris, Inner London and Manhattan, most households are car-free. Yet in each city, several million cars – used only a fraction of the time – dominate scarce public space in dense urban areas. We are calling on these global cities to lead on freeing up parking spaces, in turn creating new green spaces and transforming tarmac deserts into people-friendly neighbourhoods."*

This approach aligns with the Council's vision, as set out in its Public Service Strategy, including the realisation of the 15-minute neighbourhood. This ambition will only make sustainable and active travel easier, and as the report states, *"As we recover from the economic impacts of the pandemic, there is the opportunity to 'build back greener', putting climate change and resilience at the centre of decision making"*.

Reference Documents:

Cabinet Report: Response to the Climate Emergency October Cabinet report, 14 October 2021

Active Travel Academy Report: Paris, London, NYC: people, parks, and parking

Waltham Forest Public Service Strategy

Q175 Will the policy be effective and how will it be implemented for individual planning applications?

i. Is it clear when a Transport Assessment will be required? Transport Assessment to be based on thresholds as set out above.

ii. Can car free development be achieved in areas outside Controlled Parking Zones and if so, how?

This policy is harder to implement in the north of the borough where PTAL is lower and there are fewer Controlled Parking Zones (CPZs). However, as explained in previous response statements, the council's Car Free policy will not be implemented in isolation. It cannot work unless opportunities are enhanced to choose sustainable and active travel modes. DDA bays, Car Clubs and cycle storage will continue to be required of new residential development, as we support people to move away from private vehicles and towards a future of shared use and sustainable transport. The council believes green space, cycle storage and local public amenities should be priorities, over the provision of on-site car parks, when fewer and fewer people drive in London.

It should also be noted that smaller developments of approximately 25 units are more often those proposed in the north of the borough, where connectivity is lower, and it is less desirable for new residents of the borough to live.

The key challenge for the North, is the need for the Council to change the way CPZs are designated as they currently rely on consultation with residents and have proved unpopular in the north of the borough where car ownership is higher. However, it is important the council can respond to problems of congestion, air pollution and parking pressures as well as climate change. Unless there is an existing CPZ in place, or confirmation with evidence that a CPZ will be in operation before a development is occupied, Development Management cannot secure S106 agreements to restrict residents on new developments from applying for parking permits nearby. Car Free without a CPZ in place, therefore, means there is no car park on-site but will not mean residents of new developments are completely car free, but their opportunity to drive and park is less convenient than it might be. Overall, we believe this is positive and will support the borough's behaviour change ambitions.

Policy 69 – Electric Vehicles (EV)

Q176 How will Policy 69 secure 'electric vehicles only' at new residential developments?

Developments will be required to provide electric vehicle charging points for a minimum of 20 per cent of bays, with passive provision of spaces for all remaining spaces. However, through incentivising the use of electric vehicles as demand increases, developments would be required to deliver the active charging infrastructure where passive provision had previously been in place. This would be secured through a robust Car Parking Management Plan (CPMP), which would require the monitoring of bays at the development by the developer through the on-site management company, for the lifetime of the CPMP, to ensure that electric vehicle cars only are using these bays. The monitoring of the CPMP would be undertaken collectively through the boroughs Highways and Building Control teams.

Q177 Will the Plan be effective in securing new travel and transport infrastructure and improvements to existing infrastructure to support communities and new growth?

The development included within the Plan is linked to proposals for new travel and transport infrastructure including improved access at Leyton, Walthamstow, St James Street, Highams Park and Lea Bridge stations, which will secure improved access to sustainable modes for local communities and facilitate growth. These improvements will be secured through Section 106 and planning legal agreements where appropriate.

Development around the Leyton Mills area seeks to deliver a new station at Ruckholt Road to support the new community that will grow in that area; this will be secured through both Section 106 funding and national growth funding allocations that could not be accessed without the delivery of significant housing and employment growth.

Supporting Documents:

- Infrastructure Delivery Plan

Q178 Overall, are the Plan’s travel and transport policies justified, will they be effective in achieving a modal shift towards active and sustainable travel and are they consistent with national policy and in general conformity with the London Plan?

The council believes the Local Plan’s ambitious travel and transport policies are justified because of population growth in the borough, air pollution in London, and the global climate emergency. The council must therefore support people to choose active and sustainable transport modes over private vehicles.

The policies themselves are consistent with the London Plan, Mayor’s Transport Strategy (MTS), if not slightly more ambitious in terms of cycle and car parking standards, and National Planning Policy Framework (NPPF). Within the NPPF a list of reasons for promoting sustainable transport is provided at the start of Chapter 9. This list recognises the importance of making transport a fundamental part of the plan and a consideration early on in development proposals too, when developers can be held to account by Local Plan standards: This is when the potential impacts of development on transport networks can be addressed; it can allow opportunities for changing transport technology and usage to be realised, for example with the introduction of EV charging at all new developments; it can mean opportunities to promote sustainable and public transport are pursued, after identification in Healthy Streets and Transport Assessments; likewise “the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account”; it is also an important time to incorporate transport into design of the new public realm.

The NPPF is also strong on focusing development around transport nodes and public transport, which can be seen in the concentration of growth in the south of the borough.

It is difficult to quantify modal shift, particularly in a borough where the population is growing and at a time when people’s travel habits have been shifting because of the pandemic and changing work patterns. However, the Walking and Cycling Account for 2020 includes monitoring of modal shift, “A survey was undertaken to collect information from residents to understand how travel behaviours have changed before, during and after the first Covid-19 lockdown... The survey ran for a month between 7/10/2020 – 3/11/2020.” The survey demonstrated, “Overall car usage for frequent journeys remained the same before, during and after lockdown.” While car usage might not have reduced, walking and cycling increased during the pandemic and has remained high, with 48% of journeys being made on foot and an increase of 6% of overall frequent journeys being made by cycle.

The Walking and Cycling Account also reports on roads in the borough undergoing transformation, with space being reallocated to active travel modes through expansion of the Strategic Cycle Network, Low Traffic Neighbourhoods, wayfinding and Covid 19 response works. This physical change makes car driving less desirable and sustainable transport more convenient, which we hope in the long run will show a demonstrable modal shift.

Q179 Are any main modifications necessary for soundness?

At this stage the Council considers that there are no further modifications necessary other than those listed in the Schedule of Proposed Modifications.