

What follows is intended to deal with the point(s) raised in paragraph 6 of my Hearing Statement (on pages 4-6 of the Statement).

It is not intended to deal with the point raised in paragraphs 4-5 of my Hearing Statement – if I am correct in suggesting that as the “strategic locations” are locations for major development the Council should have carried out the sequential test under NPPF paragraphs 161(a) and 162 in relation to the proposed strategic locations, and the Council has not carried out the sequential test as required, then this cannot be dealt with by a modification to the Plan, but only by actually carrying out the sequential test.

in Policy 93, add after sub-policy (J) (and re-letter the present sub-policy (K) to be (L)

(K) In relation to land in identified Critical Drainage Areas (“CDA’s”) and land in the natural flood plain of the River Lea west of the railway line running from Stratford station through Lea Bridge station, requiring land to be set aside for additional water storage areas when necessary or desirable to prevent flooding.

for the explanatory text

- This provision is intended to mirror the effect of NPPF (2021) paragraph 161(b).
- The test of what is “necessary or desirable” is what is necessary to prevent or reduce flooding whether from river water or from surface water of vulnerable uses including residential areas in the area downstream of the land to be set aside, in the once-in-100-year event (that is, an event with 1% AEP, plus allowance for climate change), or reasonably required by the precautionary principle to prevent flooding in that area.
- In the areas mentioned in sub-policy (K) the Council may require, as a condition of granting planning permission for development of a site, that land within the site (to be agreed by the Council) be set aside for a flood alleviation scheme (“FAS”).
- In CDA’s the Council may require developments downstream of a proposed FAS to make (in addition to all other contributions required) specific contributions to the FAS which is intended to protect the area where the development is located.
- Within the natural floodplain in the Lower Lea Valley west of the railway line, the Council will look favourably on applications for development which propose to lower the ground level of part of the site to allow it to be re-wilded as marshland (as an enhancement in accordance with paragraph 17.50 of this Plan) while raising the ground level of the remainder of the site so as to ensure that the development on the remainder of the site will not be flooded in the once-in-100-year event.

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on behalf of Waltham Forest Civic Society