

Waltham Forest Local Plan (LP1) 'Shaping the Borough' Examination

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EXAMINATION CONSULTATION

FURTHER MATTERS, ISSUES AND QUESTIONS (MIQs)

STAGE 2 TOPICS

Important: These Matters, Issues and Questions should be read in conjunction with the Inspectors' Examination Consultation Guidance Note which is available on the Examination website

<https://www.walthamforest.gov.uk/content/local-plan>

References in brackets () are to the document references in the Examination Library, which can be found on the Examination website.

Key Documents – see list appended to Guidance Note

MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

Habitats Regulations Assessment - Air Quality

- 1.1 The Air Quality Study 2 (AQS2) (LPE35) measures Average Annual Daily Traffic (AADT) from the Plan's proposed development sites and the increase in AADT on roads within 200 metres of the Epping Forest Special Area of Conservation (SAC).

What evidence justifies the use of the 50AADT threshold to determine that any increases in Nitrogen Oxides (NO_x), Ammonia (NH₃), nitrogen and acid deposition below that level will be negligible?

- 1.2 The previous Air Quality Study (LPE23.2 page 12) took into account all committed schemes within London in terms of traffic growth.

Is the approach in AQS2, which measures the AADT from the proposed development sites in the Plan, consistent with the findings of the Wealden

Judgement¹ in relation to 'in combination' effects, and does it meet the requirements of the 'precautionary principle'?

- 1.3 The AQS2 concludes that, with the exception of part of the A121 High Road in Epping Forest District, traffic movements on roads within 200m of the SAC will reduce over the Plan period. Is that justified by the evidence? Is there any point at which exceedances could occur?
- 1.4 Is it reasonable/realistic to assume that the following measures will contribute to a reduction in AADT as set out in the AQS2:
- Redevelopment of sites generating significant traffic movements
 - Car free development (Policy 68)
 - Active and sustainable Travel (Policies 62 & 63)

Would a net reduction in vehicle movements be achieved if the sites anticipated for the development of uses that would generate less vehicular traffic (compared with existing uses), do not come forward as anticipated?

- 1.5 What is the up-to-date position with Natural England's technical review of the AQS2 (LPE35) as referred to in the Joint Letter with Natural England (LPE40)?
- 1.6 Overall, does the evidence in the AQS2 justify the HRA's conclusion (in Section 8) that the Plan, both alone and in-combination, will not have an adverse effect on the integrity of the Epping Forest SAC?

Habitats Regulations Assessment – Suitable Alternative Natural Greenspace

Note - The draft Suitable Alternative Natural Greenspace (SANGs) Strategy is now proposed to be included within Part 1 of the Green Spaces and Places Supplementary Planning Document (LPE33).

- 1.7 Is the proposed SANGs methodology robust, including the calculation of the average number of visits per resident and the calculation of the potential visitor uplift for each site following proposed interventions?
- 1.8 Have the capacity, quality and deliverability of the proposed sites been robustly assessed in the draft SANGs Strategy? Will the Community Infrastructure Levy be a secure mechanism for funding proposed interventions at the various SANGs sites?

¹ Wealden District Council v SSCLG, Lewes District Council & South Downs National Park Authority [2017] EWHC 351 (Admin)

- 1.9 Overall, is the draft SANGs Strategy sufficiently developed to support the HRA's conclusion that there will be no adverse effect on the integrity of the Epping Forest SAC arising from recreation pressure?

Sustainability Appraisal

Air Quality

- 1.10 Is the conclusion of the Sustainability Appraisal (SA) Addendum (LPE36.1) that there would be a minor positive effect against SA Objective 9 (Improve Air Quality) for option 1 (27,000 dwellings) and uncertain against option 2 (20,224) reasonable, given that all development is expected to be 'car free'?
- 1.11 Which sites inform the assumption that the redevelopment of 'unfettered' vehicle movement generating uses would result in a net reduction in vehicle movements? Is there sufficient certainty about the timing and delivery of these sites to support that assumption?
- 1.12 Overall, does the additional evidence on air quality and the implementation of SANGs demonstrate that the Habitats Regulations have been complied with? Are any main modifications necessary for soundness?

MATTER 2: VISION, STRATEGIC OBJECTIVES, SUSTAINABLE DEVELOPMENT AND SCALE OF GROWTH

The Scale of Housing Growth

- 2.1 The SA Addendum (LPE36.1) tests the sustainability implications of the 10-year target for net completions in Waltham Forest set out in the London Plan (1264 dwellings). Is the Topic Paper's conclusion (paragraph 3.7.2.5), that Option 1 (27,000 dwellings) remains the preferred option, reasonable and justified by the evidence?
- 2.2 The Council now proposes to roll forward the Plan period from 2020–2035 to 2023/24 – 2037/38 to cover a minimum 15-year period from its anticipated adoption date. What implications, if any, would this have for the evidence base supporting the policies in the Plan, and should the overall scale of housing growth be altered in the light of the amended Plan period?

The Distribution of Housing

- 2.3 The Topic Paper (LPE30 pages 21-22) sets out further changes to the proposed distribution of housing growth set out in the Plan's Policies 4, 9, 10 and 11. Are these changes justified and in general conformity with the London Plan?
- 2.4 Overall, is the scale and distribution of housing and employment growth justified, including with regards to general conformity with the London Plan's housing target for the Borough, flood risk, the effect on Habitats Sites, and the effect on air quality? Are any main modifications necessary for soundness?

MATTER 3: HOUSING LAND SUPPLY AND BOROUGH WIDE HOUSING POLICIES

Housing Land Supply Over the Plan Period

- 3.1 Do the Council's Updated 5 Year Housing Land Supply (LPE32) and Updated Housing Trajectory (LPE31) demonstrate that there will be a deliverable five-year supply of housing land at adoption of the Plan and that there will be a reasonable prospect of this being maintained throughout the remainder of the Plan period? In particular:
- a. Having regard to the Planning Practice Guidance², does the evidence support the estimated supply of deliverable and developable new housing sites during the revised Plan period 2023-2038?
 - b. Is there sufficient headroom in the housing supply expectations?
 - c. Is it appropriate to rely to such a degree on future housing allocations in LP2?
 - d. Is a five-year supply of housing sites necessary for the soundness of this Plan?
 - e. Are the expected lead-in times, dates for first completions, rates of development (dwellings per year), and net site capacities realistic for the sites included in the 5 Year Housing Land Supply Statement (LPE32)? Including for the following sites:
 - i. The Score Centre
 - ii. Lea Bridge Gas Holders
 - iii. The Town Hall Campus

² PPG paragraph 68-007-20190722

- iv. Sterling House/Homebase
- v. Marlowe Road Estate
- vi. Avenue Road/Thorne Close
- vii. Estate Way
- viii. Standard Public House
- ix. Blackhorse Lane (SIL 3)
- x. Joseph Ray Road
- xi. Lea Bridge Site 1_2_3
- xii. Hylands Phase 3

3.2 Is the updated Stepped Housing Requirement (LPE30 Table 1 page 23) and the associated delivery trajectory (LPE31) justified by the evidence and will the Stepped Housing Requirement be deliverable over the Plan period?

3.3 To what extent is the delivery of the planned housing growth reliant upon tall buildings and is this justified?

3.4 The Topic Paper (LPE30) refers to a future Waste and Land Release Strategy (such as at paragraph 5.3.8.2 page 102) and a future feasibility study to review waste sites and opportunities to deliver new homes (such as at paragraph 5.6.8.3 page 139). Could the outcome of these significantly affect the assumptions that have been made about capacity and housing land supply and, if so, how?

3.5 Overall, is the Plan's approach to housing supply and the housing trajectory positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan? Are any main modifications necessary for soundness?

Other Housing Policies

3.6 In reference to the Court of Appeal judgment *Smith v SSLUHC & Ors* dated 31 October 2022³ regarding the interpretation of the Planning Policy for Traveller Sites (2015), and the application of that policy to Gypsies and Travellers who have ceased to pursue nomadic lifestyles:

- a. Are any amendments to, or further assessment of, the Council's Gypsy and Traveller Accommodation Assessment (EB4.1) necessary to identify the accommodation needs for Gypsies and Travellers?

³ EWCA Civ 1391

- b. Should the Plan make any further provision for Gypsy and Traveller accommodation for Gypsies and Travellers that have ceased travelling permanently and/or pursuing a nomadic lifestyle?

3.7 Will a five-year supply of specific, developable sites for Gypsies and Travellers be provided on adoption of the Plan, together with specific, developable sites or broad locations for growth for years 6 to 10 and, where possible, for years 11 to 15?

3.8 Are any main modifications necessary for soundness?

MATTER 4: EMPLOYMENT AND THE VITALITY AND VIABILITY OF CENTRES

Employment Designations – Strategic Industrial Locations (SIL), Locally Significant Industrial Sites (LSIS) and Borough Employment Areas (BEAs)

- 4.1 Are the revised Employment Land designations set out in the Topic Paper (paragraph 3.6.4.2) justified, necessary for soundness and in general conformity with the London Plan? In particular, is the re-designation of Cork Tree Retail Park from LSIS to SIL justified by the evidence and necessary for soundness?
- 4.2 Is the designation of part of Blackhorse Lane as part SIL/part LSIS justified by the evidence? Will it be in conformity with the London Plan and what main modifications are necessary to Policy 26 for soundness?
- 4.3 Would the proposed main modifications to Policy 30 set out at paragraph 3.6.4.3 of the Topic Paper address the issues raised at the March 2022 hearing sessions, including the potential for non-industrial uses on SIL and would the policy be in general conformity with the London Plan?
- 4.4 Are any main modifications necessary for soundness?

MATTER 5: THE ENVIRONMENT, CLIMATE CHANGE, FLOOD RISK, POLLUTION AND WASTE MANAGEMENT

Flood Risk and the Sequential Test

Note - The Sequential Test Statement (LPE34) concludes that the Plan's housing requirement of 27,000 new homes cannot be achieved entirely in areas with a low risk of flooding (Flood Zone 1 – low probability of flooding) and therefore development within Flood Zones 2 and 3 (medium and high

probability of flooding) would be required for this level of growth. The Sustainability Report Addendum (LPE36.1) states that approximately 50% of the new homes could be delivered in Flood Zone 1 and 50% would need to be in Flood Zones 2 and 3.

- 5.1 Is the Sequential Test Statement (LPE34) robust and consistent with national policy?
- 5.2 Have all reasonably available options in Flood Zones 1 and 2 been exhausted before the suitability of sites in Flood Zone 3 has been considered?
- 5.3 Has the Exception Test been carried out, where relevant?
 - a. If it has not been carried out, should it have been?
 - b. If it has been carried out, was it passed; and have the findings informed the Sustainability Appraisal process and informed the selection of the Plan's Strategic Locations/Site Opportunity Locations and their capacity for housing growth?
- 5.4 While the Council's position throughout has been that this Plan does not include site allocations, the Strategic Locations and the focused Site Opportunity Locations provide a clear steer on the location and amount of development expected within their boundaries. On this basis is it justified, and would it be effective at the strategic level, to defer flood risk considerations, including the Exception Test where necessary, to future consideration of site allocations and/or planning applications and site-level Flood Risk Assessments?
- 5.5 Will reliance on Policy 93 adequately deal with flood risk at the strategic level, including for consideration of sites in the Strategic Locations?
- 5.6 The Sustainability Report Addendum (LPE36.1) identifies that the effect of the Plan's scale of growth (SA Option 1 in LPE36.1) on the flood risk objective is "uncertain" and that the effect of the level of growth as set out in the London Plan (SA Option 2 in LPE36.1) is "minor positive". It also identifies that the majority of growth in Option 2 could be delivered on sites in Flood Zones 1 and 2.
 - a. Is the Plan's spatial strategy for housing justified and consistent with national policy in relying on sites in Flood Zones 2 and 3 for around 50% of planned housing growth?
 - b. Does the Sustainability Report Addendum (LPE36.1) strike a reasonable balance between Sustainability Appraisal objectives SA1

(meeting local housing needs) and SA11 (reducing flood risk and improving resilience to climate change)?

- 5.7 Is the degree of reliance on improvements in relation to surface water flooding justified and has an appropriate balance been struck between addressing this and the risk of flooding in the Borough from other sources?
- 5.8 Overall, is the Plan positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in terms of flood risk? Are any main modifications necessary for soundness?

MATTER 6: BUILT ENVIRONMENT, HERITAGE, AND DESIGN

Tall Buildings

- 6.1 Is the approach to tall buildings and building heights set out in the Topic Paper (LPE30 section 3.5) and in the Statement of Common Ground (LPE27) justified and in general conformity with the London Plan?
- 6.2 Is the approach to tall buildings and building heights compatible with the Plan's spatial and growth strategy including the delivery of 27,000 new homes and Policy 8 – Character Led Intensification? Is it justified that tall buildings could be appropriate on sites in both Transformation and Transition character areas?
- 6.3 At a strategic level, are the sites/locations identified on the map at Figure 2 of the Topic Paper (LPE30 page 52) as having potential for tall buildings appropriate and justified by the evidence? To what extent has the Skyline Study (LPE46) informed the sites/locations identified in Figure 2?
- 6.4 The Council has reconsidered some of the locations it considers to be suitable locations for tall buildings. Do the sites/locations identified on the map in Figure 2 (LPE30 page 52) reflect the additional locations identified as suitable for tall buildings in paragraphs 3.5.4.4 and 3.5.4.5 of the Topic Paper (LPE30)?
- 6.5 How will the proposed policy approach to tall buildings and building heights be implemented alongside Policy 56 in practice?
- 6.6 Overall, is the approach to tall buildings and building heights positively prepared, justified, effective, consistent with national policy, and in

general conformity with the London Plan? Are any main modifications, including to Policy 57, necessary for soundness?