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**WALTHAM FOREST LOCAL PLAN
RESPONSE TO THE COUNCIL’S NEW/UPDATED DOCUMENTS OF SEPTEMBER 2022**

JANUARY 2023

I am a member of Waltham Forest Civic Society. I am submitting comments in my personal capacity **AIR QUALITY**.

My observations are intended to assist in relation to the Inspectors’ Matters, Issues and Questions:

- Questions 3.1(c) (whether it is reasonable to rely on the housing allocations in Part 2 of the draft Local Plan (“LP2”), given the planning objections to development of the scale and height proposed) and 2.4 (whether the scale and distribution of housing growth is justified)
- In the case of particular sites listed by the Inspectors, also Question 3.1(e)
- As regards my comments on effects on Epping Forest / the Lea Valley, the effects on Epping Forest also address Question 1.7 (the methodology of the SANGs strategy, as regards the numbers of visitors to Epping Forest to be expected from the developments proposed) and the effects on the Lea Valley will also be relevant to Question 1.8 (whether the “quality” of the proposed SANGs has been robustly assessed)
- As regards my comments on effects on the skyline (including the skyline as seen from Epping Forest land and from the Lea Valley) also to Question 6.3 (whether the proposed locations for tall buildings are appropriate).

COMMENTS ON AIR QUALITY DOCUMENTS

1. We will refer to the relevant documents as LPE30 and AQS2. We will not be discussing the SA Addendum separately, as its conclusions depend on the “vehicle trip generation exercise” in AQS2.¹ We will begin with what is said in LPE30, which is expressed in common-sense terms. We will then turn to AQS2, and the “trip generation exercise” (where we will be answering Questions 1.3 and 1.4). We will conclude with some further comments on AQS2, which will be relevant to the same questions and also 1.6, 1.11 and 1.12.
2. Overall, the Council’s conclusions/assumptions are not justified as a matter of common sense. Development to anything like the extent envisaged, even if it is “car-free”, is likely to generate an increase in vehicle movements and a worsening in air quality. Nothing in AQS2 suggests a different answer.
3. At present air quality in the Borough is poor from the point of view of human health, apart from its effects on the plants and animals in the SAC. A paper for the meeting of the NHS North East London Integrated Care Board on 30 November 2022, headed “Board Assurance Framework”, says:

“Air quality in NEL is poor and we have the highest rates of deaths in the UK related to air pollution. If a strategic partnership action is not taken to improve air quality the residents will continue to experience illness and death as a result and in turn put pressure on the NHS.”

¹ SA Addendum, pages 12-13.

This was given a “risk score” of 16, on a scale from 1 to 25 where scores of 15 and above are given the highest grade of priority.

LPE30 – common-sense

4. The Council’s basic idea is (LPE30, 3.3.1.1):

“Redevelopment of these sites, in accordance with Local Plan policies relating to car free development and better management of both Construction Logistics and Servicing and Deliveries, presents clear opportunities to significantly reduce vehicle trips across the borough and thus improve air quality.”

5. At first glance, this appears attractive: replace car parks with car-free developments, and you have reduced vehicle movements. However, the apparent attraction may disappear on further consideration.

6. First, not all the sites planned to be redeveloped are (or include) car parks. It would have to be that the sites which are car parks improve things more than the extent to which development of those sites where there are no car parks makes things worse.

7. Secondly, in some cases the plan will simply move a use from one place to another. For instance, if you move the bus depot from Temple Mills, the buses will still have to be based somewhere (and the bus drivers might still insist on being able to drive to work and park there). Again, if you move the civic amenity facility from Bywaters site in South Leyton, residents will still make trips to wherever the dump has been moved to.

8. Thirdly, in fact it is not so obvious what happens to the total of vehicle movements when you replace a supermarket car park by a “car-free” tower block.

- **First**, the residents of the tower block will themselves make some vehicle trips. Some will be disabled and will be allowed to have cars. Some of them may make trips by taxi (or Uber, etc) rather than by public transport. They may hire cars (for instance, by belonging to car clubs, which the Council will encourage and for which the Council will provide parking) for instance to take a drive in the country at the weekend or visit their relatives away from London.
- **Secondly**, the residents will have deliveries. The Council speaks of “*better management of deliveries*” (LPE30, 3.3.1.1) and of “*Servicing and Delivery Plans which are able to secure agreed routes, consolidation of deliveries and electric vehicle infrastructure to encourage trips to be made by the lowest emission vehicles*” (LPE30, 3.3.2.2). However, it is questionable to what extent any such “*Plan*” can be effective, for at least the following reasons:
 - Sellers such as Amazon have high value deliveries (such as electronics above about £200) delivered separately (presumably by drivers they trust better than their ordinary delivery personnel), so such deliveries may not be easily consolidated. Also, it is not clear that the sellers would allow delivery to a concierge or similar, and it is not clear that managing agents of a property would allow a concierge to sign a receipt for valuable goods which would make the managing agents liable for any loss before the goods reached the buyers.
 - Many people have hot meals (such as pizzas or Indian or Chinese food) delivered and some people use services offering immediate delivery of groceries. Could such deliveries be consolidated, without the pizza arriving cold, and the buyers of groceries not getting the timescale that they have paid for? How would “*agreed routes*” be enforced on pizza delivery persons (etc)? How

would local pizza shops (etc) be required to provide electric vehicles to their delivery personnel, as distinct from expecting the personnel to use their own transport?

- With regard to ordinary deliveries of a week's groceries from a supermarket, is it to be expected that concierges will have adequate cold chambers and freezers to accept and store deliveries of chilled food (including meat and fish) and frozen food, and that managing agents will accept liability for ensuring chilled and frozen food are stored at the correct temperature?²
 - Parts of our Robert Gay's work in maritime arbitration relate to matters which are high-value and very strictly confidential. If hard-copy papers are sent, they may be sent by motorcycle courier, and the courier may be directed to deliver to Robert personally, not to anyone else at his address. No doubt other people in other lines of work are subject to similar requirements. It would not be possible to "*consolidate*" such deliveries. Also, it is doubtful how the Council could impose an "*agreed route*" on a self-employed courier or require them to use an electric vehicle rather than whatever sports motorbike the courier may happen to own.
 - As the Council's Planning Committee has accepted, housing for social rent (or similar) cannot be expected to join in a concierge scheme. As a practical matter housing associations (and similar) cannot take on long leases of properties with high service charges (such as a concierge scheme would involve) since if the tenant did not pay the service charge, then the housing association would have to discharge the unpaid charges or face the forfeiture of the long lease.
 - The residents will also receive visits from plumbers, electricians, district nurses, etc.
 - **Thirdly**, let us suppose that the supermarket itself remains on the site, but has no car parking (except for disabled customers). Presumably, the Council would have us suppose that it still does the same amount of business, and so it still receives the same deliveries. It will also be sending out deliveries of groceries. And there will be shoppers who arrive by public transport, but then get picked up by a family member or friend or use a hire car to take them and their shopping home.
9. Already, it is clear that what happens to the total of vehicle movements depends on how much the supermarket car park was used, how many flats are built on the site, how many separate deliveries each flat receives, and so on. The answer is not obvious. (Research may be needed that says, for example, whether people who live on the car park next door to Lidl are content to shop at Lidl or rather get their groceries delivered from Waitrose, and vice versa.)
10. Besides, **fourthly**, we simply do not believe that in the real-world supermarket operators which own the sites of superstores with car parks, will be prepared to sell them for redevelopment, unless the redevelopment includes a new superstore with car parking that the supermarket operator itself will view as adequate. The business model of Sainsbury, Tesco, etc (and what their shareholders expect of them) is to operate not only local, convenience, stores, but also the sort of store at which people can buy a week's groceries all at once, and stores which are to attract people to buy a week's

² It may be relevant that under English law contractual terms and conditions are not effective to exclude liability for personal injury, which will include the possibility of food poisoning caused by storing food at the wrong temperature.

groceries need to have parking for them to come by car and take the goods away with them. It may be that the supermarket operators would be willing to sell off their open air parking lots and rebuild, but then they will insist on being permitted to rebuild with a deck or two of car parking below or above the new store. It is a different thing (and something investors in the companies might not accept) for the supermarket operator to make a one-off capital gain by selling off a site for redevelopment, but thereafter not to be able to operate a superstore according to their business model within an area of the country.

AQS2

11. We submit that there is nothing in AQS2 which upsets our common sense scepticism above.
12. The argument of AQS2 falls into three parts:
 - **First**, the number of vehicle movements which the new developments will generate (and the comparison with those generated by the existing use of the sites), AQS2 2.2 and 3.1
 - **Second**, where those vehicle movements would go, in terms of average annual daily trips (“AADT”) on particular roads, AQS2 2.3 and 3.2
 - **Third**, what emissions those trips may generate, AQS2 2.4 and 3.3.
13. The conclusion of the **second** part is that on none of the relevant roads would there be a significant increase in AADT, and so all that the **third** part has to say is that there would be no significant increase in emissions on any of these roads.
14. It may be observed that although AQS2 is presented on the letterhead of WSP, it was prepared (AQS2, second [unnumbered] page, under the heading “Quality Control”) by Andy Talbot of WSP and Jack Owen and Oliver Norman of the Council. Mr Talbot is a Chartered Scientist and a specialist in air quality, but AQS2 1.1.5 makes it clear that the involvement of WSP and of Mr Talbot was limited to the **third** part. AQS2 1.1.3-4 make it clear that the **first** and **second** parts (what AQS2 1.1.3 calls “*the Trip Generation and Distribution Assessment*”) were undertaken by “*the LBWF Transport and Planning Policy Teams*”, that is, under the responsibility of Mr Owen and Mr Norman. The Inspectors will know Mr Norman’s role from the Hearings in March 2022. In view of the words “*Transport Team*” it may be worth saying that it appears that within the Council’s structure Mr Owen belongs within the Planning Department rather than to Highways/Engineering.³

The trip generation model

15. Our main concern is with the methodology of the **first** part. We do not doubt that the model used is an “*industry standard model*” (LPE30 3.2.3.3; AQS2 1.1.4).⁴ However, it is clear that the trip generating model depends on the classification of land uses, that is the land uses as they now are and as they would be after development. As AQS2 2.2.2 says “*The . . . sites . . . have been grouped according to land use, the relevant trip rate*

³ How Mr Owen identifies himself professionally may be indicated by the fact that he has been on the committee of an organisation for young people in the property and construction industry, as stated at <https://www.yepglobal.com/people/jack-owen-2/>, accessed on 11 January 2023.

⁴ But we might ask, in precisely what industry?

[that is, a trip rate determined by the land use] *has then been applied before multiplying by the quantum of development proposed*".⁵

16. Our main issue is over supermarkets with car parks. For the existing use, the modelling produces a number of vehicle movements based on the shopfloor space of the supermarket as "**retail**", but for the use after development a number based on the expected shop space as not "**retail**" but "**town centre floorspace**".⁶ It is obvious that a large branch of (say) Tesco without a carpark⁷ is going to generate more vehicle movements per square metre of floorspace than an optician or a charity shop, and is not simply another "**town centre**" premises. When "**town centre floorspace**" is applied to a large Tesco we are not told what assumptions this classification embodies with regard to deliveries to the shop, deliveries from the shop, people hiring minicabs to take themselves away with the week's groceries, etc.
17. Also, as we have said in paragraph 10 above, it simply is not credible that Tesco would sell off their car park without insisting on rebuilding with a deck or two of car parking.
18. With regard to the proposed "car-free" tower blocks and their residents:
 - AQS2 2.2.5, third bullet, says that allowance has been made for taxis, Uber, etc, but not whether the allowance is the same as for people in flats who also have cars, or is based on actual experience of "car-free" developments (nor whether actual experience in inner London has been adjusted for the greater distances in outer London and the poor PTAL/actual access by public transport of many of the Council's sites)
 - We are not told whether an allowance has been made for the use of car clubs, etc.
 - The bullet also says that account has been taken of "*the recent increases in demand for supermarket deliveries and online ordering*" but again it does not say whether this allowance is based on people in flats who have their own cars and might sometimes pick up the takeaway. It also does not say whether unrealistic assumptions about "*consolidation*" of deliveries, etc, have been built in.
19. It seems rash to assume (AQS2 2.2.5 sixth bullet) that for "industrial" uses there will be no increase in trips. As we understand, the Council intends to encourage small workshops etc in creative industries, as distinct from and perhaps in place of large manufacturing plants, and these might naturally give rise to more visits to the creative workers.
20. AQS2 2.2.6 Table 2.1 provides little help. We have no explanation of its classifications "*Residential 1*" and "*Residential 2*", and it does not include the classifications in Table A-1 "*Retail*" and "*Town Centre*" which appear critically important.
21. We observe that for the Church Lane Car Park, a small Council owned car park which we can testify has been very little used, the development of 105 new dwellings is said to produce a reduction of 102 in daily vehicle movements in and a reduction of 102 in

⁵ See also Appendix A which is entitled "*Methodology: Supporting Information*", in which Table A-1 sets out for each site "*Existing and Proposed Land Uses*".

⁶ AQS2, Table A-1, eg SA01, SA19, SA20.

⁷ Assuming for a moment, as in the last bullet of paragraph 8 above, that the supermarket would continue as before without its car park.

daily vehicle movements out,⁸ which certainly is not obvious, and there is no explanation.⁹

22. We intend no discourtesy to Mr Owen, but the Inspectors should not treat AQS2 as if the first part had been prepared by an independent person of a standing which would enable them to challenge the Council's classifications of likely land use after development. Rather, these are the Council's own classifications, which may be driven by the Council's wider policy aims.

Further points – each point begins with a paragraph number in AQS2

23. **2.2.8** Intuitively, there should be not a single multiplier applied to the “neutral weekday” to get the figure for the whole week. A church or a mosque (cases which AQS2 appears not to consider) may generate more trips on a Sunday or a Friday than in all the rest of the week. Most retail uses will generate more trips on a weekend day than on a neutral weekday. Many industrial and office uses are likely to generate in a whole week only about five times the trips of a neutral weekday – indeed, less for offices if the pattern of attending the office on Tuesday Wednesday and Thursday but working from home on Monday and Friday becomes established.
24. **2.3.1** The use of the 2011 Census data has the effect of disregarding any effect of implementing the Local Plan on the distribution of trips. As examples of what we mean:
- If the Civic Amenity site at Bywaters is closed and residents go instead to South Access Road, that is a number of trips to Leyton MSOA which instead will go to Low Hall MSOA
 - If (which we do not expect, as explained above) Tesco agrees to the replacement of its superstores at Bakers Arms and Leytonstone Town Centre by high street stores without car parking, a number of trips to Bakers Arms MSOA and Leytonstone Town Centre MSOA will instead go to Morrisons at Stratford, or Waitrose at South Woodford, or (if it still has a car park) to Sainsburys in the North Circular Corridor MSOA.
25. **2.3.3** The elimination of destinations to which (in the 2011 Census) less than 1% of trips were made is questionable. Consider, for example, the Blackwall Tunnel and the M11/M25 junction. These are not destinations in themselves. By eliminating all the destination MSOA's with less than 1%, you will probably have eliminated all the places to which people might go by way of the Blackwall Tunnel or by way of the M11 and M25. But it would be wrong not to consider, for instance, the trips which proceed from places in Waltham Forest to the Blackwall Tunnel in order to get to places South of the Thames.
26. **2.3.5** We sought to check the routes offered by [OpenRouteService](#) for journeys we know, but the webpage told us it delivered its outputs as GeoJSOL codes (and the process of inputting anything looked impossible for the layperson). We would have liked to know how far this route-generating “black box” takes account of recent Low Traffic Neighbourhood developments, which have the effect of pushing traffic off residential streets onto slightly more major roads – and in our area some of the more major roads run along the edges of Epping Forest land. (For instance, in the South of Waltham Forest, the effect of closing the route into Forest Gate by way of Woodhouse Road and

⁸ AQS2 Table B-1, site SA18

⁹ In Table A-1, there is literally no information at all about the existing use of this site: all the “Existing uses” fields are blank.

Odessa Road has been to divert traffic onto Harrow Road and Dames Road, which border the southern edge of Wanstead Flats.)

27. **2.4.2**¹⁰ We note that Mr Talbot only says that a threshold of 50 AADT has been accepted by Natural England, and does not commit himself to a professional opinion of his own as to what increase in daily trips, on top of an already poor situation, would have no perceptible effect in worsening the situation for the SAC (still less, does he say anything about whether there would be no perceptible effect on the health of human beings). Intuitively, if the 50 AADT are fifty small, modern petrol cars (or 40 petrol cars and 10 electric cars) that is one thing; fifty heavy diesel lorries are quite another thing.

¹⁰ This point relates to Question 1.1.