

Submission for Local Plan Examination Stage 2 Consultation for LP1

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FURTHER MATTERS, ISSUES AND QUESTIONS

MATTER 1: DUTY TO COOPERATE....

HRA – Air Quality

1.2 & 1.6

1. Following Wealden DC v SSCLG, a precautionary approach is needed if the risk of significant in-combination effects have not been taken into account.

In that Case concerns were expressed that total in-combination traffic would increase NOx etc. emissions. The higher levels would threaten certain vulnerable plant species, so diversity would decline, with corresponding effects on insect life and maybe other fauna.

In my reading, LBWF have **not adequately taken into account the in-combination effects** of both:

- a. Road traffic emissions
- b. Edmonton Incinerator emissions

In this context, unfortunately LBWF has then **failed to adopt a precautionary approach**, as it:

- i. Assumes that there will be a net reduction of roadside emissions, despite their significantly higher housing targets, by making **questionable claims** about the effects of all housing development being 'car-free'. [*more on this below*]
- ii. **Ignores** the likely excess incineration capacity at Edmonton, leading to an increase in imported waste and hence roadside emissions from more refuse lorries.

- iii. Assumes that their mitigation plans will compensate for roadside NOx etc., **without** any robust evidence for their hoped for compensation effects
- iv. Does **not** demonstrate any cooperation with NLWA, to ensure their claims that the new ERF will result in less NOx etc. emissions. Given that the new ERF facility will potentially increase combustion by a third, will it be a proportional or an absolute reduction? Note that the emissions plume sits over part or the whole of Epping Forest most days.
- v. Has **not** attempted to seek the cooperation of NLWA in commissioning the continuous monitoring of the effects on flora and fauna of emissions **within** Epping Forest, rather than just kerbside. This conservation need has been generally reported on elsewhere, because there is strong evidence that:
...native woodlands are isolated, in poor ecological condition and there has been a decline in woodland wildlife.

<https://www.woodlandtrust.org.uk/state-of-uk-woods-and-trees/>

2. The Council, in its joint decision to commission a new incinerator in Edmonton, has a persistent aversion to give any recognition and consideration to the air quality impact on the local population and in so doing is in contravention of the 2010 Equalities Act

In the first hearings when you as Inspectors raised, presumably related to Q3 LPE14, whether there were any other ways cross-boundary issues related to the natural environment and climate change, the Council Officers replied that “...no other cross-boundary issues arise”.

I believe this to be untrue.

Surely the Officers, on behalf of the Council, should have shared information since submission of LP1 that NLWA had agreed to contract the building of the Energy Recovery Facility (ERF) with Acciona, as the sole bidder. The Council only later merely offered the information that the NLWP had been adopted and that a notice to that effect would be issued shortly.

When you as Inspectors asked, with presumably reference to Q6 LPE14, “...are there any strategic sites, close to the boundary, that could have cross-boundary implications?” Besides Whipps Cross Hospital, the

answer from Officers was **only** Spitalfields, Leyton Mills Retail Park and Eton Manor. Why was there **no** mention of the North London Heat and Power Project, within which the ERF incinerator will be built, which is on the boundary with Enfield?

Furthermore when asked Q21 (LPE14 Issue 4) whether the Plan has been prepared in compliance with other legal requirements, and specifically S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristics, **nothing was raised** by the Officers.

Although a Health Impact Assessment was undertaken by NLWA ([AD05_09_HIA_Oct_2015_FINAL.doc \(northlondonheatandpower.london\)](#)) recent research has seriously contested the reassurances given about the health impacts of incineration on residents as well as the greater probability of them being sited in deprived and racially diverse areas, which is socially unjust. [211208 Waste incineration and public health APPG Air Pollution report.docx \(wordpress.com\)](#)

Furthermore, given the decision to commission a larger incinerator the Council in LP1 has **not** attempted to:

"...outline the reasons the alternatives were selected, and identify...any likely significant adverse effects and...provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives."

Paragraph: 018 Reference ID: 11-018-20140306

[Strategic environmental assessment and sustainability appraisal - GOV.UK \(www.gov.uk\)](#)

I submit LBWF has **failed to justify** NLWA's choice of the larger incinerator, to which the Council is party, rather than alternative waste technologies, and **has jointly decided on the boundary location without sufficiently considering adverse air quality effects on local communities.**

Consequently **LBWF has failed in its duty to display sound cooperation with neighbouring authorities and is not legally compliant with the 2010 Equalities Act.**

1.4

Despite its laudable aspiration that 'car-free' development will result in an **overall net reduction in AADT, this is currently doubtful because:**

1. There is likely to be a counteracting increase in home service deliveries for 'car-free' properties.
2. There is projected to be a further general increase in home deliveries even for households with cars
3. The positive experience in some EU car-free residential initiatives will regretfully not easily translate to LBWF's plans. The success of those Continental examples was conditional on specific socio-demographic characteristics. Young families with children, >50% having University education and professional types of employment, ecological concerns and the "*...importance of values and practices related to equality and social engagement*" in lifestyles. There tended to be a **prior commitment** to 'car-free' lifestyles and those residents strongly tended to have "*... a different definition of housing than the average, more individualist urban inhabitant. For them, quality of life...is related to a calm, green environment, adapted to children and where a community lives together, shares spaces and amenities and self-administrates*" Therefore for the 'car-free' benefits LBWF expects, residents would generally need a **prior car-free conviction**. For the housing developments themselves, LBWF would need to ensure planning approval is conditional upon **future developers being amenable to** some form of joint self-management by residents, the greening of surroundings, increased local amenities and a child friendly environment.

If 'car-free' is to be taken seriously **LP1 policies need to be amended accordingly**, so that the above necessary and sufficient conditions are in place to ensure the environmental benefits of 'car-free' developments are feasible.

If these conditions are lacking, studies suggest it could give rise to:

- Cheating. Buying cars and parking them in neighbouring streets. This could only be minimised by making all such streets have parking permits, with 'car-free' residents excluded.
- Resentment at being unfairly constrained in comparison with other nearby residents with cars and permits.

The net effect could then be a rise in AADTs!

<https://core.ac.uk/display/286432048>

[oai:serval.unil.ch:BIB_2053C99A97BC](https://serval.unil.ch/BIB_2053C99A97BC)

MATTER 2: Scale of growth

2.1

The scale of growth is not soundly justified.

1. The enhanced planned Borough target for housing has been justified by the Council, following their assessment of current and expected future demand.

Current excess demand in London overall is very high, however the trend in demographics that helps to underpin future demand is **very uncertain**.

The **London SHMA 2017** 3.8 identified that ...” *London’s population growth was particularly rapid in the last decades*”. The reasons it gave were: strong economic growth, successive enlargement of the EU, 30% increase in numbers of births, continued fall in mortality and reductions in outward migration post ’08 financial crisis.

Many of these factors that caused a previous rapid rise in housing need, along with London and Local Plans to meet it, **are no longer operative**. Furthermore we have had the Pandemic, a weak economic bounce-back and currently we are in the midst of a cost of living and NHS crises as well as a possibly prolonged recession. Inevitably these are impacting on net migration and natural growth rates.

LP1 4.9 recognises that “...the evidence base supporting this plan was produced before the pandemic” and therefore there is current/future demand uncertainty. Yet LP1 still continues to use the assumption that: “the trend towards rising demand for housing will continue...” **without the support of any up-to-date evidence base**.

Whether immediately observed changes in behaviour and demographic movements are short run or will be sustained is obviously too early to say. However, contrary to LBWF’s fixed mind set, forecasters are as yet **unable to identify with any confidence** future London population numbers or their distribution. As a consequence, surely **caution is**

advisable in drawing up Local Plans, including that of LBWF. The LBWF LP1 should therefore:

- **Scale back its housing targets to that of The London Plan**
- **Commit to a policy of an ongoing review** of the future housing plans, enabling LBWF to respond to confirmed future trends, once reliable data is available.
- **Prepare contingency plans** for different possible future housing need scenarios, so LBWF is prepared

<https://data.london.gov.uk/dataset/londons-population>

<https://data.london.gov.uk/dataset/housing-london>

2. LBWF Local Plan is ignoring the strategic planning for housing explicit in the London Plan:

*“For the purposes of the Plan, London is considered as a single housing market area...The advantage of **strategic planning** is that it allows London to focus development in the most sustainable locations...Because of London’s ability to plan strategically boroughs are not required to carry out their own housing needs assessment...”*

4.12 London Plan

“Where boroughs wish to commission their own research on housing requirements to complement the London-wide SHMA, they are encouraged to do this on a sub-regional rather than single-borough basis.”

Footnote 41

There is **no indication that the LBWF has coordinated their planning** in cooperation with neighbouring Boroughs. Their decision to go it alone and aim for above recommended targets also **undermines London-wide optimum strategic planning**, which also includes an important allocative dimension.

MATTER 3: Housing supply

3.5

As to whether the housing trajectory justified and consistent with national policy and in conformity with The London Plan.

Firstly, possible changes in national government housing targets:

“...Michael Gove announced a series of amendments to the bill [Levelling up and Regeneration Bill], including one that would allow councils to build fewer homes than civil servants had determined they need if they faced sizeable constraints or build at a density that would ‘significantly change the character’ of their area.”

<https://www.lgcplus.com/services/regeneration-and-planning/housing-targets-watered-down-as-gove-moots-action-on-short-term-lets-06-12-2022/>

This is not as yet Law and we have had a series of changes in Government personnel, but if passed, it would give extra degrees of freedom to LBWF's Local Plan targets.

Secondly I believe the Local Plan targets are **not consistent with The London Plan** and its strategic planning intentions. [See my pt. 2 above under Matter 2]

MATTER 6

Tall buildings

6.1

The Local Plan's **categorisation of height and its use is inconsistent with The London Plan's guidance**. LP's should:

“... ensure that they are appropriate for their location and do not lead to unacceptable impacts on the local area.

[My emphasis] See 3.93

On initial reading this seems to be accepted in LP1 Policy 57.

The LP1's division of development heights into **Reinforcement, Transition and Transformation** may have been intended to simplify but has led to development proposals which I believe are out of step with The London Plan.

This can be illustrated in North Chingford L2 Site Allocation proposals:

- a) Assembly Hall/Library. This is situated on the north side of Chingford Green, a SAC, where all N side properties are 2 storeys, with the adjacent property being grade II listed
Plan: replace with Chingford Hub + flats = **5 storeys = Reinforcement**
- b) Chingford Golf Club, 2 storey and adjacent to Chingford Plains, which is Green Belt as well as SAC, SIN and SSSI
Plan: replace with Residential block = **6 storeys = Reinforcement**

This categorisation at first seems in accord with 7.3/5, which recognises the area to be suburban, lower density, adjacent to Epping Forest's "...green assets which give this part of the borough an exceptional character".

While in Policy 8 **Reinforcement**, with typical shoulder heights of 2-5 storeys, redevelopment = "...*modest increase in intensification*". On the contrary to this, 57D then allows in "...*exceptional circumstances*" for a redevelopment range of 6-9. This then **effectively and conveniently shifts the redevelopment into the Transition category**.

This is blatantly the case for (b) above. However even moving from 2 to 5 for (a), with the increased site intensity involved, is hardly a "...modest increase". Given the SAC etc. context, this is also not justified.

There is I believe **no adequate justification** for liberally assuming "...*appropriate for their location*" allows for such "...exceptional circumstances". **This can be a recipe for anything goes if we the Council so decide**. There are highly questionable urban design preferences, belonging to the Council, used to justify this [e.g. 57B]. Yet there has been overwhelming disapproval from the local community in all consultation sessions and no attempt at producing a Master Plan for Station Road District Centre.

Why then has the Council persisted in its intentions for both sites? :

- **First and foremost for both sites, it is driven by its dogged commitment to the fulfilment of its overly ambitious housing targets. Enhancing local character and sustaining green assets are secondary, contrary to The London Plan and NPPF. This is also contrary to LP1 SOPC004**

- Second, regarding (a), this is also driven by Policy 39, Hierarchy of Centres. This misjudged concentration of civic, economic, leisure provision in Walthamstow Town Centre means some provision in the District Centres needs to be scaled down.

LP1's height categorisations and their applications need to be reviewed to conform to The London Plan. Otherwise current proposed usage would allow planning application acceptance for higher replacement buildings not appropriate for their locations.