

Andrea Copsey

Programme Officer
c/o Mrs S Housden and Mrs C Jack
Examination Office

Department: Planning

Our reference: LDF31/LDD17/LP04/E02/HA01

Date: 23 January 2023

[REDACTED]
[REDACTED]
[REDACTED]
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Email: [REDACTED]

Dear Andrea

**Re: Examination of the London Borough of Waltham Forest Local Plan (LP1).
Consultation on the Inspectors' Further Matters, Issues and Questions. Matter 4 –
Employment and the vitality and viability of centres. Matter 6 – Built Environment,
Heritage and Design**

Thank you for inviting written statements in advance of the London Borough of Waltham Forest Local Plan (LBWF) Examination in Public Stage 2 hearing sessions. LBWF has actively engaged with officers at the Greater London Authority (GLA) to discuss concerns raised in the Mayor's Regulation 19 letter of conformity dated 14 December 2020; Regulation 18 consultation response issued 27 September 2019; the Mayor's hearing statement dated 12 January 2022; and also implications of changes made to Policy D9 in the London Plan 2021 (LP2021) prior to its final publication in March 2021.

As you will be aware, development plan documents prepared by London boroughs must be in general conformity with the spatial development strategy for London (referred to as the London Plan) in accordance with S.24 of the Planning and Compulsory Purchase Act 2004 (as amended). The LP2021 was formally published on the 2 March 2021, and now forms part of LBWF's Development Plan and contains the most up-to-date policies.

In his hearing statement in relation to the Stage 1 hearings the Mayor made it clear that as written he considered the draft Plan (LP1) not to be in general conformity with the LP2021. In that letter he set out the reasons for this is due to the proposed approaches to the management of the borough's industrial land and its proposed approach to tall buildings.

Mayor of London Statement

The Mayor has welcomed the collaborative working with LBWF officers on a Statement of Common Ground (SCG) (LPE27¹) which was agreed on 21 March 2022, during the Stage 1 examination hearings. Within the SCG are proposed amendments which resolve all the issues

¹ <https://www.walthamforest.gov.uk/sites/default/files/2022-09/GLA%20FINAL%20Statement%20of%20Common%20Ground%2010322%20v1.01.pdf>

raised earlier by the Mayor relating to tall buildings and the borough's proposed approach to industrial land.

Subsequently, on 8 August 2022 LBWF officers requested the Mayor's opinion on the general conformity of the Local Plan (LP1). The Mayor responded on 2 September 2022 making it clear that, as submitted the draft Local Plan (LP1) is not considered to be in general conformity with the LP2021. However, the proposed modifications contained in the SCG agreed with the GLA in March would resolve all the issues raised in the Mayor's written statement and it is his opinion that if implemented they would bring the draft Plan into general conformity with the LP2021. Notwithstanding the proposed modifications that have been agreed in the SCG, the Mayor is seeking a small number of additional changes which are set out in his answer to question 4.3 below.

Mayor's response to Matter 4 – Employment and the vitality and viability of centres

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?

The revised designations for Cork Tree Retail Park and Blackhorse Lane are justified, necessary for soundness and in general conformity with the London Plan.

For Blackhorse Lane, see also response to Question 4.2. For Cork Tree Retail Park, this currently has no industrial designation, but it was proposed to designate it as LSIS through LP1. It is now proposed to designate it as SIL instead, which the Mayor welcomes. It is explicitly reflected in proposed modifications to Policy 25, as set out in the SCG – see specifically footnote to Part D of the policy. This suggests the SIL designation of the Retail Park to help maintain the required SIL capacity and help compensate the re-designation of the southern part of the Blackhorse Lane SIL to LSIS. The Retail Park could play a vital role in contributing towards providing SIL capacity, given its strategic location on the North Circular Road.

The proposed new paragraph 9.11 identifies the North Circular Strategic Location overall as one of two most suitable locations to meet additional demand for B8 uses.

Cork Tree Retail Park is co-located with the Hall Lane SIL. Both form one Site Allocation (SA47) in the Regulation 19 Site Allocations consultation draft, and the Mayor's response to it² highlighted that a SIL designation of the retail park would also facilitate their integration.

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?

A range of modifications included in the SCG – not only those to Policy 26 – are required to ensure general conformity of the re-designation of parts of Blackhorse Lane SIL to LSIS with the London Plan. This includes in particular the recognition of Blackhorse Lane SIL release as additional need that has to be accommodated (see proposed modification to paragraph 9.7 of LP1) as well as a clearer indication of the SIL capacity re-provision requirements (see proposed

² https://www.walthamforest.gov.uk/sites/default/files/2022-01/KD6.2%20KD6.2_Copies_of_Representations_made_under_Regulation_20_0%20Updated.pdf

modifications to Policy 25, Part E). This clearer strategy demonstrating how and where the loss of SIL capacity at Blackhorse Lane will be re-provided elsewhere within the borough would justify the part re-designation from SIL to LSIS through a masterplan approach. The Site Allocations DPD and the Masterplan Framework for Blackhorse Lane that are being prepared will facilitate that the required SIL capacity can be maintained within the borough. The emerging Masterplan Framework underpins the establishment of a clear boundary between SIL and LSIS that will be included in LP1, which will also help to prevent a further erosion of the overall industrial character and function of the SIL.

In addition, the proposed modification to paragraph 10.21 (Policy 38), also included in the SCG, provides a stronger recognition of the industrial nature of Blackhorse Lane Creative Enterprise Zone.

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?

The proposed main modifications set out in para 3.6.4.3 do not entirely address the issues raised at the March 2022 hearing sessions.

The modified policy does not make clear that the introduction of non-industrial uses in SIL require SIL de-designation first to be consistent with the LP2021.

Although several modifications are proposed to the policy, none are suggested to the supporting text. As discussed at the Stage 1 Examination, paragraph 9.23 refers to Areas of Change which also include for example residential ('opportunities to deliver different uses to those outlined as supported in 'SIL, LSIS, and BEA), although London Plan Policy E7B clearly says: 'In LSIS (but not in SIL) the scope for co-locating industrial uses with residential and other uses may be considered'. While masterplans can consolidate uses, including within SIL, in a way that facilitates and prepares for the release of industrial land to make way for housing, a Local Plan is needed to deliver that masterplan because SIL will need to be released first and re-provided. That is only possible if there is sufficient land to meet both identified need and also to compensate for any loss of SIL (as at Blackhorse Lane).

Therefore, the deletion of the reference to Local Plan Policy 26 in para 9.23 is recommended, as it does not make clear that de-designation through a Local Plan is required. For consistency, it may also be necessary to consider the deletion of Policy 26, Part C: 'A masterplan approach to the intensification of industrial capacity in SIL is supported (see Policy 30 - Industrial Masterplan Approach).'

Also, there is little reflection of the criteria set out in Part D of London Plan Policy E7 in the proposed modified Policy 30, although this is claimed in the third paragraph.

Further modifications to Policy 30 and its supporting text are therefore required to ensure that it is coherent and consistent with London Plan Policy E7 as discussed at the Stage 1 Hearings. The Mayor will seek to work with the council on such further modifications to resolve this in advance of the Stage 2 Hearings.

Finally, in more general terms, the policy promotes developing industrial masterplans, but instead of a 'masterplan by masterplan approach', it would be more transparent and less

piecemeal to develop industrial land consolidation ambitions and required industrial re-provision broadly through the local plan process that is informed by industrial demand/supply studies³.

4.4 Are any main modifications necessary for soundness?

The modifications included in the SCG with the council are required to ensure general conformity with the London Plan (*see Statement of General Conformity with the London Plan - LPE38*⁴). The modifications also contribute towards the soundness of LP1, as set out in the Mayor's response to Question 85 of the Greater London Authority Hearing Statement⁵ of 12 January 2022 to inform Stage 1 of the Examination. LP1 has to set out a clear strategy demonstrating how and where the additional industrial capacity that has to be accommodated to meet the council's identified need can be realistically and viably delivered. This needs to be accompanied with appropriate mechanisms in place to facilitate that (such as an industrial intensification SPD, bespoke Site Allocations and Masterplans) and underpinned by effective monitoring arrangements. It is also particularly important that sufficient SIL capacity is maintained, to ensure that the demand for all relevant industrial types of use (including B8) can be met within the borough and also that SIL capacity that is being lost through the introduction of non-industrial uses is re-provided first and any SIL boundary changes are made through the local plan process.

Mayor's response to Matter 6 – Tall Buildings

The Mayor's hearing statement was issued in January 2022 and since then borough officers have worked closely with the GLA to agree proposed modifications to their draft Tall Buildings policy which resolve the general conformity objections previously raised by the Mayor. As set out in section 5 of the SCG the Mayor is now assured that, subject to the proposed modifications, the amended approach would satisfy the requirements of LP2021 Policy D9. Further detail in response to the inspector's questions are set out below.

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?

LP2021 Policy D9 requires boroughs to set a clear and quantifiable definition for what represents a tall building in their area (which may not be less than 6 storeys from ground to the floor level of the upmost storey), to identify locations where this form of development is considered appropriate on maps as well as setting appropriate heights for these locations. The policy also requires this information to be contained within a development plan document.

Definition

The amended Policy 57 (Tall Buildings) set out in the SCG, now includes the following definition for tall buildings, which will apply across the entire borough: *"the definition of a tall building in the borough is any building of 10 storeys or more in height"*. This definition satisfies the requirements of LP2021 Policy D9 part A. We would advise that a height set out in metres

³ see for guidance regarding their scope for industrial intensification and co-location page 6 of the Mayor's Practice Note on industrial intensification and co-location through plan-led and masterplan approaches 2018

https://www.london.gov.uk/sites/default/files/practice_note_-_industrial_intensification.pdf

⁴ https://www.walthamforest.gov.uk/sites/default/files/2023-01/LPE38_Statement%20of%20General%20Conformity%20with%20the%20London%20Plan%20AA.pdf

⁵ <https://www.walthamforest.gov.uk/sites/default/files/2022-03/Greater%20London%20Authority.pdf>

would provide more clarity and could be included in supporting text. For example, assuming a floor to ceiling height of 3m, a tall building would be those buildings greater than 30m measured from the ground to the top of the building.

Locations and heights

Policy 57, as amended, is explicit that tall buildings will only be supported in locations identified as appropriate on figures within the draft plan (Figure 3.21 currently found at Appendix II of the SCG). This figure sets out the locations identified across the borough with clearly defined boundaries. The policy also includes a range of heights (between 10 and 17 storeys) that are considered to be generally appropriate in principle for developments within those defined areas. Given that both locations and heights considered appropriate for tall buildings would now be stipulated in the DPD, the policy satisfies the requirements of LP2021 Policy D9 part B.

The policy continues to note that further tall building locations and additional detail for the sites identified on Figure 3.21 may be incorporated within the emerging Site Allocations DPD. This includes the possibility for the appropriate height range for some sites to be increased to 18+ storeys following further analysis and consultation. The draft Site Allocations DPD (LP2) is an emerging document at an advanced stage and the Mayor welcomes the conformation that further, detailed design requirements for sites will be included within that document. This will further clarify where and how this form of development will contribute to the Borough's overall strategy for growth.

Regardless, the proposed wording of Policy 57 as set out in the SCG is already considered to satisfy the development plan requirements of LP2021 Policy D9, providing a sound policy basis upon which any later DPDs may add additional detail where beneficial.

Further comments

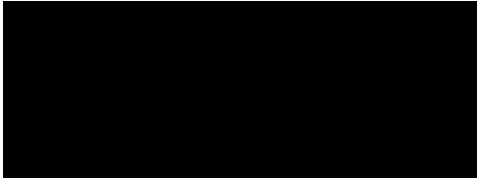
The further detailed policy direction provided for mid-rise developments (i.e. 6-9 storeys) under proposed Policy XX Buildings heights (see the SCG) is welcomed. Whilst not of relevance to the question of general conformity to Policy D9, the Mayor supports the additional clarity that this provides in promoting a plan-led approach to the local growth strategy.

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?

As summarised above and detailed within section 5 of the SCG, if the proposed modifications within the SCG in relation to tall buildings are implemented then consequently the approach to tall buildings and building heights would be considered to be in general conformity with LP2021 Policy D9.

I hope this statement can help inform the Examination of LBWF's Local Plan. If you have any questions in relation to this Statement, please contact Hassan Ahmed at hassan.ahmed@london.gov.uk.

Yours sincerely



Lucinda Turner

Assistant Director of Planning

Cc: Sem Moema, London Assembly Constituency Member
Sakina Sheikh, Chair of London Assembly Planning Committee
National Planning Casework Unit, DLUHC