



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

**RESPONSE TO FURTHER MATTERS, ISSUES AND
QUESTIONS**

**MATTER 1: DUTY TO COOPERATE AND OTHER
LEGAL REQUIREMENTS**

January 2023

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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?

Air Quality Study 2 (AQS2) (LPE35) assesses the Local Plan alone in order to understand the extent to which its implementation would contribute to increased levels of pollutants within the Epping Forest Special Area of Conservation (EFSAC).

The planned growth proposed in the Plan is directed to previously developed sites and would see existing land-uses replaced/renewed with 'car free' development. Consequently, as demonstrated by Air Quality Study 2 (AQS2) (LPE35), reductions in traffic on most roads within 200m of the EFSAC are expected. There are, however, a few roads within 200m of the EFSAC that would experience slight increases in traffic. Further detail on the negligible nature of these increases is set out below.

The application of an indicative 50 Annual Average Daily Traffic (AADT) 'de-minimis' threshold for air quality assessments involving Habitat sites (and nationally and locally designated ecological sites) began following the Wealden Judgement, before the publication of the Joint Nature Conservation

Committee (JNCC) De-Minimis Study¹. At this point in time, there was no specified way of screening out negligible changes in traffic and therefore, even changes of 1 AADT would trigger the requirement for consideration of 'in-combination' effects.

Due to the typical level of background traffic growth on the road network, the change in traffic between the baseline year (typically 2019) and future years would, in most instances, exceed the 1000 AADT threshold criterion² 'in-combination' and therefore require further assessment (i.e. detailed dispersion modelling). As a result, in many cases, the level of assessment became disproportionate to the change in traffic forecast due to the plan or project 'alone' and, where Habitats sites were involved, it became increasingly difficult to conclude the Habitats Regulations Assessment (HRA) at Stage 1 Screening.

In the months following the Wealden Judgement, in the absence of new guidance, WSP (now engaged by Waltham Forest Council to provide specialist advice and produce robust air quality evidence) was involved in discussions that took place between Natural England, Air Quality Consultants (AQC) and Peter Brett Associates (PBA but now part of Stantec) regarding plans and projects with potential effects on Thames Basin Heaths Special Protection Area (SPA). These discussions led to the formation of an informal technical working group to agree a common methodology to be applied to the air quality assessments being undertaken for plans and projects within the locality of Thames Basin Heaths SPA.

¹ JNCC Report No. 696 Main Report Guidance on Decision-making Thresholds for Air Pollution Chapman, C. and Kite, B. December 2021, available at: <https://data.jncc.gov.uk/data/6cce4f2e-e481-4ec2-b369-2b4026c88447/JNCC-Report-696-Main-FINAL-WEB.pdf>

² As outlined within guidance published by both Natural England and the Institute of Air Quality Management

One of the outcomes of this collaboration was agreement over application of an indicative screening threshold of 50 AADT to plans and projects involving Thames Basin Heaths SPA. This threshold was subsequently applied to the following projects being undertaken by WSP and AQC, respectively: South Wokingham Distributor Road (SWDR) and the South Wokingham Strategic Development Location (SDL). The threshold was also applied by WSP when undertaking the Air Quality Assessment of Bracknell Forest Council's Submission Local Plan which is currently at Examination. Nothing was raised in either the Stage 1 or Stage 2 hearings regarding the use of the 50 AADT threshold.

Therefore, it could be argued that there is precedent for the use of the 50 AADT threshold, especially prior to the publication of the JNCC De-Minimis Study. Furthermore, a review of Rushmoor Borough Council's (RBC's) Local Plan Habitats Regulations Assessment (2017) reveals that effects on Habitats sites were investigated where the change in AADT due to the Local Plan 'alone' were > 100 AADT. The Rushmoor Local Plan was adopted in 2019.

Notwithstanding that there is precedent for the application of an indicative threshold of 50 AADT, additional analysis has been undertaken with reference to JNCC's Decision Making Thresholds (DMTs).

The JNCC guidance defines the decision-making threshold (DMT) as "*A quantifiable contribution from an individual source, below which associated effects can properly be ignored for the purpose of decision-making. The cumulative effects of proposals excluded by it will not undermine the achievement of the conservation objectives. Further assessment would not change the outcome of the decision to be taken.*"

The DMT for road traffic emissions is 0.15% of the existing baseline traffic flow on any road (excluding trunk roads). Therefore, the actual number of vehicles above which effects are no longer considered 'de-minimis' varies depending on the existing level of traffic on the road in question.

The planned growth proposed in the Plan is directed to previously developed sites and would see existing land-uses replaced/renewed with 'car free' development, as required in Policy 68, Managing Vehicle Traffic.

Consequently, as demonstrated by Air Quality Study 2 (AQS2) (LPE35), reductions in traffic on most roads within 200m of the EFSAC are expected. There are however, a few roads within 200m of the EFSAC that would experience slight increases in traffic. In numerical terms, these increases are small – generally in single figures (see Tables 1.1A and 1.1B below).

Tables 1.1A and 1.1B indicate the applicable DMT for each road that would experience an increase in traffic. DMTs for roads within 200m of the EFSAC that would experience an increase in traffic due to the Plan 'alone' have been determined from published DFT count data³. Data was unavailable for Brook Road and Snaresbrook Road, as they are not A-Roads.

The data in Table 1.1A shows the likely impact of the Plan and changes in relation to the calculated DMTs. Table 1.1B represents the outputs of a sensitivity test that was undertaken to assess the potential implications should higher levels of car parking be permitted subject to robust Transport Assessments (see paragraphs 2.1.3 of AQS2).

Tables 1.1A and 1.1B clearly demonstrate that the increases in traffic due to the Plan on roads within 200m of the EFSAC are substantially lower than the DMT contained within JNCC's De-Minimis Guidance. Therefore, based on

³ Department for Transport, Road traffic statistics, available at: <https://roadtraffic.dft.gov.uk>

JNCC's definition of a DMT, the contribution of traffic from the Plan can "properly be ignored on the basis that their combined effect will not undermine a site's conservation objectives".

Table 1.1A – Roads within 200m of EFSAC predicted to experience increased traffic due to the Plan

Road	Maximum increase in AADT over the LP period (2018-2038)	Cumulative change in AADT by 2038	DFT Count Point AADT in 2021	Decision Making Threshold (0.15% of existing traffic) based on JNCC Guidance
Parts of A121 High Road	2 (2031)	4	10,811	16
A1199 High Road *	1 (2038)	1	16,661	25
Snaresbrook Road	1 (2038)	1	N/A	N/A
* Link is >50m from the SAC and the additional traffic is more than offset by the reduction of 32 AADT on the A104 Woodford New Road which is within 10m of the SAC				

Table 1.1B – Roads within 200m of EFSAC predicted to experience increased traffic due to the Plan, (Sensitivity Test)

Road	Maximum increase in AADT over the LP period (2018-2038)	Cumulative change in AADT by 2038	DFT Count Point AADT in 2021	Decision Making Threshold (0.15% of existing traffic) based on JNCC Guidance
Parts of A121 High Road	4 (2031)	9	10,811	16
A104 Epping New Road	1 (2025)	1	10,246	15
A110 Whitehall Road	4 (2031)	3	10,631	16
A503 Forest Road	4 (2034)	5	16,175	24
A1199 High Road *	1 (2038)	1	16,661	25
A112 **	2 (2031)	1	13,569	20
Brook Road	1 (2038)	1	N/A	N/A

Snaresbrook Road	1 (2038)	1	N/A	N/A
* Link is >50m from the SAC and the additional traffic is more than offset by the reduction of 32 AADT on the A104 Woodford New Road which is within 10m of the SAC				
** Link is >180m from the SAC				

Page 10 of the JNCC guidance suggests that the JNCC DMT are not applicable to plan level assessments, only projects. However, the Council and WSP consider this to be due to the potential use of DMT's to determine the spatial extent of the assessment study area (with the guidance stating "*Thresholds not applicable. Apply 10km zone of influence (Section 5.5)*"). In the case of the Air Quality Study 2 (AQS2) (LPE35), the DMT's have not been used to determine the spatial extent of the study area. Rather, they have been used, along with the 50 AADT indicative threshold, to confirm where the contribution of the Plan to 'in-combination' effects is 'de-minimis'. Ultimately, the effects due to a quantum of traffic on a specific road are the same, irrespective of their source (whether that be a change due to a development or the same level of change but occurring from multiple developments). Therefore, they are considered relevant and evidentiary to our response to the questions raised under 1.1.

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 Judgement⁴ in relation to 'in combination' effects, and does it meet the requirements of the 'precautionary principle'?

As noted, the previous Air Quality Study (LPE23.3) took into account all committed schemes within London in terms of traffic growth and identified the potential for 'in-combination' effects and subsequent need for an Air Quality Mitigation Strategy. However, at the time the previous Air Quality Study (LPE23.3) was undertaken, no traffic data was available to enable the contribution of the Waltham Forest Local Plan to this overall 'in-combination' effect to be assessed.

Air Quality Study 2 (AQS2) (LPE35) does not serve to replace the previous Air Quality Study (LPE23.3). Rather it provides supplementary information to allow the impacts due to the Plan 'alone' to be quantified. As such, there is no requirement to re-consider 'in-combination' effects.

As Air Quality Study 2 (AQS2) (LPE35) has established that the changes in traffic due to Plan 'alone' do not exceed industry thresholds (i.e. 50 AADT and JNCC DMT's), even if Air Quality Study 2 (AQS2) (LPE35) were to be considered as a 'new' study, the changes in traffic are deemed 'de-minimis' such that consideration of 'in-combination' effects is not required.

The results of Air Quality Study 2 (AQS2) (LPE35) are precautionary in that a sensitivity test has been included (see details below) which assesses the likely impacts on traffic should higher levels of car parking be permitted (subject to robust Transport Assessments). As shown in Table 1.1B, even under the sensitivity testing, increases in traffic due to the Plan on roads

⁴ Wealden District Council v SSCLG, Lewes District Council & South Downs National Park Authority [2017] EWHC 351 (Admin)

within 200m of the EFSAC are substantially lower than the DMT contained within JNCC's De-Minimis Guidance.

Furthermore, the JNCC's DMT's are themselves precautionary. The JNCC's De-Minimis guidance (Page 3) states:

"It is procedurally attractive to have a universal DMT which can be applied to all decisions, without the need to take account of site-specific considerations. DMTs are therefore derived on a precautionary basis, for a 'worst-case scenario' with regards the rate at which plans and projects might come forward over time."

Furthermore, the guidance states:

"Whilst a precautionary approach may be required to an assessment of air pollution effects, no legislative framework requires the exclusion of all doubt. The Habitats Regulations requires the exclusion of reasonable scientific doubt. Doubt which is unscientific or unreasonable need not constrain decision-making... A request for information to undertake an in-combination assessment where there is no prospect that further assessment effort would ever influence the outcome of the decision to be taken, may therefore be regarded as unreasonable. Decision-makers must interpret and apply the in-combination provisions in a proportionate manner, exercising their professional judgement as to when an in-combination and/or cumulative assessment is necessary."

Based on the scale of the changes in traffic data, the Council and WSP conclude "there is no prospect that further assessment effort would ever influence the outcome of the decision to be taken". A requirement to undertake an in-combination assessment would therefore be unreasonable

which conversely would mean that any 'doubt' associated with the assessment "need not to constrain decision making".

Furthermore, it should be noted that the calculations do not take into account the forecast improvement in vehicle emissions and uptake in electric vehicles (EVs). In reality, the number of vehicles with emissions to air will be less than the numbers presented in Tables 1.1A and 1.1B as, moving through the Plan period, an increasing proportion of these will be EVs.

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?

The methodology devised to calculate the change in traffic on roads within 200m of EFSAC due to the implementation of the Plan was devised by transport professionals within Waltham Forest, with input from the air quality team WSP. The methodology (as presented within Sections 2.2 and 2.3 of Air Quality Study 2 (AQS2) (LPE35)) is evidence based, using best available information to determine vehicle trip generation and distribution for each potential development site, before and after implementation of the Plan, and the expected net changes in AADT on roads within 200m of the EFSAC.

Natural England (NE) were consulted on the methodology applied. NE air quality experts reviewed the report and raised no objections. As confirmed in the New Statement of Common Ground with Natural England (LPE64):

“With regard LPE35, NE are content with the technical approach taken in this document. We are also in agreement with the conclusions drawn from the new set of results. NE are therefore in a position to remove the challenge of soundness on that matter for Local Plan Part 1. Air Quality will not result in Likely Significant Effects upon the integrity of Epping Forest SAC.”

The methodology included a sensitivity test to assess the potential implications should higher levels of car parking be permitted (subject to robust Transport Assessments).

With this in mind, considerable evidence has been presented by the Council to support that:

- There will be an overall reduction in traffic due to the implementation of the Plan; and
- Changes on roads within 200m of EFSAC are 'de-minimis'.

The changes in traffic due to the implementation of the Plan are predicted for all years of the Plan period. Tables 1.1A and 1.1B indicate that neither the 50 AADT threshold nor JNCC DMT's will be exceeded in any year on roads which lie within 200m of the EFSAC. This includes under the sensitivity test which is considered to represent a worst-case scenario of development not being 'car free', but being delivered with higher levels of car parking, subject to robust Transport Assessments.

Furthermore, it should be noted that the calculations do not take into account the forecast improvement in vehicle emissions and uptake in electric vehicles (EVs). In reality, the number of vehicles with emissions to air will be less than the numbers presented in Tables 1.1A and 1.1B as, moving through the Plan period, an increasing proportion of these will be EVs.

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?

Air Quality Study 2 (AQS2) (LPE35) provides an assessment of existing vehicle movements on likely development sites within the borough and compares this with the likely vehicle movements following redevelopment of each site delivered in a manner compliant with Plan policies 62, 63 and 68. As promoted by the Plan, this means the redevelopment of sites currently generating significant traffic movements with 'car free' development as per Policy 68. Air Quality Study 2 (AQS2) (LPE35) clearly shows this will lead to a net reduction in vehicle movements. Planned growth in accordance with the Plan will bring much need new homes, jobs and other uses in highly accessible locations without providing access to car parking for residents (other than blue badge parking) but instead providing cycle parking and improving access to the public transport network. Workplaces and industrial areas will be modernised to include cycle parking and servicing and delivery strategies will minimise the impact of deliveries to and from sites.

Some of the potential development sites assessed in Air Quality Study 2 (AQS2) (LPE35) have already been granted planning consent for schemes that demonstrate the extent to which traffic movements can be reduced, and how both car free and active travel aspirations can be successfully implemented. For example, the redevelopment of the former Homebase site on Fulbourne Road removes significant area of car parking to deliver a mixed-use development including 583 car free residential dwellings. Similarly, the Council's development of its Town Hall campus, known as Fellowship Square, proposes the removal of significant levels of existing staff and operational car parking spaces to deliver car free dwellings alongside a

vibrant mix of other uses. Both of these examples have commenced development on site.

In order to reduce emissions and improve air quality, not only must car parking be restricted but both active and sustainable measures must be delivered across the borough. The redevelopment of sites in compliance with policies 62 & 63, Active and Sustainable Travel, will offer the alternative to using a car for new and existing residents and employees within the borough.

The Council has a strong track record in delivering both active and sustainable travel improvements, including the 'Mini Holland' cycling scheme (also known as 'Enjoy Waltham Forest'). The Plan policies will secure improvements to the walking, cycling and public transport networks within the borough and also ensure that the on-site design of developments will maximise the potential to access active and sustainable travel networks.

Through the trip generation assessment evidence presented within Air Quality Study 2 (AQS2) (LPE35), a reduction in vehicle movements is demonstrated at a significant proportion of sites for redevelopment. In respect of sites not coming forward as anticipated, Air Quality Study 2 (AQS2) (LPE35) presents a sensitivity test scenario to assess the likely implication of higher than anticipated trip generation should not all sites come forward as 'car free', but with car parking justified through robust transport assessments. Even in this sensitivity testing, any small increases in trip generation in proximity to the EFSAC were shown to be well below the 50 AADT threshold of change and de-minimis DMT.

If entire sites were not to come forward for development at all, there could be wider implications for housing supply and delivery, which could trigger a full or partial review of the Plan in accordance with the monitoring indicators

set out in Policy 97. As part of these indicators, the Council considers that an additional clause is necessary to commit to full or partial Plan review in the case that monitoring demonstrates an increase in traffic exceeding the upper limit tested through Air Quality Study 2 (AQS2) (LPE35). Policy 97 as modified will read:

Policy 97 – Monitoring Growth Targets

The Council will monitor progress towards the achievement of the key targets for growth (housing, including affordable housing, employment space and retail) annually as part of the Council Authority Monitoring Report (AMR). In the event that delivery falls significantly behind that which is required to achieve these targets, the Council will trigger a full or partial review of the Plan in order to address the reason/s for under-delivery.

Key indicators that would trigger a full or partial review are:

- Failure to demonstrate a 5-year housing land supply in any monitoring year with the following 2 monitoring years indicating no recovery in the position;
- Housing completions fall more than 15% beneath the targets in the housing trajectory over any rolling 3-year period;
- The delivery of employment space falls more than 20% beneath the target over any rolling 3-year period; and
- A reduction of more than 20% in retail space in designated centres over a 3- year period;
- A failure to meet the visitor uplift in identified Suitable Alternative Natural Greenspaces (SANGs) necessary to accommodate the new homes delivered* over a rolling three-year period, followed by an Epping Forest Condition Survey and visitor survey in the SAC that demonstrates deterioration in the condition of the SAC resulting from recreational pressure; and
- **Travel plan monitoring demonstrating, over a three-year rolling period, an increase in traffic above the level sensitivity tested in Air Quality Study 2.**

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)?

As stated in the New Statement of Common Ground with Natural England (LPE64), “With regard LPE35, Natural England are content with the technical approach taken in this document. We are also in agreement with the conclusions draw[n] from the new set of results. NE are therefore in a position to remove the challenge of soundness on that matter for Local Plan Part 1. Air Quality will not result in Likely Significant Effects upon the integrity of Epping Forest SAC.”

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?

Based on the evidence presented within Air Quality Study 2 (AQS2) (LPE35) and additional information presented above, it can be concluded with confidence, that:

- The changes in traffic on roads within 200m of EFSAC would be 'de-minimis';
- Further consideration 'in-combination' effects is not required;
- The 'in-combination' effects predicted by the previous Air Quality Study (LPE23.3) are not attributable to the Waltham Forest Local Plan; and
- An Air Pollution Mitigation Strategy is not required due to effects arising for the Plan.

As such, overall the evidence in Air Quality Study 2 (AQS2) (LPE35) justifies the HRA's conclusion that the Plan, both alone and in combination, will not have an adverse effect on the integrity of the EFSAC in relation to air quality.

Habitats Regulations Assessment – Suitable Alternative Natural Greenspace

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

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?

The proposed SANG methodology is robust. By observing the existing number of trips to Epping Forest and using population statistics to calculate the total population making these visits, the SANGs calculations robustly predict how many additional visits will need to be made to suitable green spaces elsewhere in the borough to avoid harmful recreational impacts on the Epping Forest Special Area of Conservation (EFSAC) as a result of planned growth in Waltham Forest.

The average number of visits per resident is calculated from three sources: demographic data from the Office for National Statistics (ONS) about how many people are resident in small-area geographies⁵; the Epping Forest Visitor Surveys of 2017 and 2019⁶; and the City of London Corporation's (CoLC) estimate of total visits to Epping Forest⁷.

CoLC's Epping Forest Management Strategy 2021 stated that Epping Forest receives approximately 4.2 million visitors per year (based on large scale surveys undertaken in 2014). Further supporting information from CoLC shows a likely 12% increase to those numbers since 2021, resulting in a total visitor estimate of 4.8 million. It is worth noting that this is a relatively conservative increase, given that spot surveys across the period 2017-2020 indicate an increase in visitor numbers in the region of 10%.

⁵ Population estimates for the UK, England and Wales, Scotland and Northern Ireland: mid-2020, Office for National Statistics.

⁶ Liley, D., 2020. Epping Forest Visitor Survey 2019. Available at: <https://www.efdclocalplan.org/wp-content/uploads/2021/02/EB716-Epping-Forest-visitor-report-2019-030221.pdf>

⁷ Estimates provided by CoLC in correspondence.

As stated in the draft Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33), the Council is committed to ongoing work with the City of London Corporation and other partner authorities and stakeholders to monitor visitor numbers in the Special Area of Conservation (SAC).

Visitor origin data from the Epping Forest Visitor Surveys 2017 and 2019 has been used to determine the size of the buffer which is applied to the EFSAC to find the reference resident population. There have been two recent Epping Forest visitor surveys, in 2017 and 2019, both conducted by Footprint Ecology with comparable methodologies⁸. Between these two surveys, the median distance as the crow flies from interview location to home postcode was found to change from 3.08km to 2.6km⁹. Figure 11 of the Epping Forest Visitor Survey shows the non-linear relationship between distance from the SAC and visit probability, with people nearest the Forest being more likely to make visits than those further away. The lower median distance figure across the two surveys has been used in the draft Suitable Alternative Natural Greenspace (SANGs) Strategy (LPE33), as a precautionary approach as it yields the higher of the two visit rates implied by the survey work.

The replicability of the survey to find very similar outcomes in terms of visitation distribution provides confidence that the calculation is a reliable and accurate representation of the visit rate.

A buffer of 2.6 km yields a total population of 446,271 persons across parts of Enfield, Epping Forest, Newham, Redbridge, and Waltham Forest. To calculate the average number of visits per resident to the EFSAC, the

⁸ Liley, D., et al., 2018. Epping Forest Visitor Survey 2017. Available at: <https://www.footprint-ecology.co.uk/reports/Liley%20et%20al.%20-%202018%20-%20Epping%20Forest%20Visitor%20Survey%202017.pdf>

⁹ Paragraph 4.38, page 47, Liley, D., 2020. Epping Forest Visitor Survey 2019. Available at: <https://www.efdclocalplan.org/wp-content/uploads/2021/02/EB716-Epping-Forest-visitor-report-2019-030221.pdf>

methodology takes the total number of visits, applies a factor of 0.5 representing the median, and divides by this reference population.

The population statistics used are the 2020 ONS mid-year estimates by Lower Super Output Area (LSOA). When compared to the 2021 Census, the usual resident population was found to have increased approximately 0.5% more in Waltham Forest than modelled by the mid-year estimates, and approximately 2% more in Epping Forest District. In Newham and Enfield, the change was around 1% less. These checks show that the use of these estimates in the visitor rate calculation remain valid and are robust.

The resulting figures of an average number of visits per person of circa 5.4 visits per person per year, as outlined in paragraph 2.2-2.4 of the Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33), are robust and not subject to large variation with changes to any of the input data.

In relation to the calculation of potential visitor uplift for each SANG, a precautionary approach was applied and figures were established using the professional experience and expertise of council officers with feedback from Natural England.

The latest visitor survey data from the Walthamstow Wetlands shows an average uplift of more than 1,400 visitors per day, based on the annual figure for 2021. Investment in the public space at Fellowship Square shows an average uplift of 400 visitors per day. These examples from the borough highlight improvements to public spaces can achieve high uplifts, far in excess of the precautionary potential uplift proposed for sites identified as SANGs.

The majority of SANGs identified in the Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33) have an uplift of 25 visitors per day. This is significantly below the numbers evidenced at Walthamstow Wetlands and Fellowship Square. Banbury Reservoir is considered to be directly

comparable to Walthamstow Wetlands, so a higher visitor uplift has been applied there at 360 single person visits per day. The specific uplift applied to each SANG is informed by an understanding of the existing condition of the site, and the type of improvements proposed - including new or enhanced access, improved routes, clearer wayfinding, greater access to wider views, and new facilities such as dog agility courses.

A peer review of the uplift numbers took place with an expert panel of Council Officers across Parks, Leisure and Regeneration which concluded that the uplift figures are robust and appropriate.

Visitor uplift for sites will be closely monitored with baseline visitor surveys carried out prior to works commencing, and follow-up visitor surveys taken around 3 months following completion. The methodology for visitor uplift surveys has been agreed with Natural England. In order to embed this commitment to monitor the outcome of the draft Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33), a new monitoring indicator is proposed in the Plan. A version of this was set out in the Topic paper (LPE30) and has subsequently been developed further in consultation with Natural England, and prior to signing the New Statement of Common Ground with Natural England (LPE64) to capture the importance of monitoring both visitor uplift in SANGs and the condition of the EFSAC itself to ensure no recreational harm. The proposed wording for the modified Policy 97 is set out in response to question 1.12.

1.8 Have the capacity, quality and deliverability of the proposed sites been robustly assessed in the draft SANGs Strategy?

Capacity

In the draft Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33), capacity is not based on a measurement of area, but rather on a site's potential to attract the required numbers of visitors. This is described as visitor uplift. The methodology for calculating and assigning visitor uplift to proposed SANGs is set out in response to question 1.7 above. A precautionary approach was taken when determining uplift and it was established in consultation with Natural England. As set out in response to question 1.7, visitor uplift will be carefully monitored, and the Council have proposed a modification to Policy 97 to require a full or partial review of the Plan if appropriate visitor uplift is not achieved in relation to housing delivery over a rolling three year period and a deterioration in the condition of the EFSAC is identified through surveys.

The draft Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33) is directly related to the quantum and location of new homes proposed in the Plan's spatial and growth strategy. It sets out a sufficient supply of SANGs within a 15 minute walk of planned growth. For every Strategic Location there is an exceedance of SANGs that will provide the necessary visitor uplift, offering greater capacity than is required.

Quality

In consultation with Natural England, the draft Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33) identifies the open space in the borough that, with suitable investment, will attract residents away from the EFSAC and shows that they are accessible from the Strategic Locations to which planned growth will be directed.

In order to ensure the SANGs are of the quality required, or could be brought up to the quality required with investment, a thorough selection process took place. 55 potential SANGs were originally identified, and were reduced to the 39 proposed in the Strategy. This process was carried out in collaboration with Natural England, including a full day of site visits held on 5 September 2022.

Deliverability

The Council can demonstrate a clear track record in delivering new and enhanced open spaces across the borough. For example, previously inaccessible spaces like Walthamstow Wetlands and Cheney Row Park have been made publicly available and an impressive new visitor destination has been created at the previously underused space in front of the Town Hall, now known as Fellowship Square. Following council-led investment, visitor numbers to these spaces are substantial with, for example, over 20,000 visitors to the Walthamstow Wetlands over a busy weekend.

Several SANGs projects have been implemented across the borough. Chestnuts Field, which is providing interpretation boards, a new wetland area, wildflower grassland and other ecological benefits is one of the more recently committed SANGs and is currently being delivered. Already committed SANGs projects are identified on page 12 of the draft Suitable Alternative Natural Greenspace (SANGs) Strategy (LPE33).

A large majority of the SANGs sites in the draft Suitable Alternative Natural Greenspace (SANGs) Strategy (LPE33) are in the Council's ownership, thereby minimising deliverability risk. A number of other SANGs sites are in the ownership of stakeholders that we have worked successfully with in the past, including Thames Water.

Banbury Reservoir has the largest uplift and catchment of all the SANGs sites. The Council, in collaboration with Enfield Council are preparing a vision

document that establishes a series of project workstreams for the reservoir and surrounding network of open spaces over a number of years. Both councils are engaged in discussion with Thames Water on the deliverability of these projects.

Positive engagement has also taken place with other key stakeholders namely the Lee Valley Regional Park Authority and the City of London Conservators, as captured in Joint Letter with Lee Valley Regional Park Authority (LPE42) and Joint Letter with City of London Corporation (Conservators of Epping Forest) (LPE41).

As detailed above, the draft Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33) provides an exceedance of visitor uplift to SANGs across all areas of the borough, related spatially to anticipated phasing of housing delivery. The Council are therefore confident that variations in delivery could be accommodated.

Will the Community Infrastructure Levy be a secure mechanism for funding proposed interventions at the various SANGs sites?

As the Community Infrastructure Levy (CIL) is non-negotiable and collected on the implementation of development, it is considered a secure mechanism for funding that is directly aligned to the delivery of the Plan's growth strategy. The commitment to use CIL to fund the proposed SANGs investments and improvements has been included in the Infrastructure Delivery Plan and Infrastructure Delivery Schedule (LPE 47), which evidences and details the infrastructure needed to support planned growth in the borough across the Plan period, and is set out in the Council's annual [Infrastructure Funding Statement](#) (2022), which sets out CIL spending priorities for the forthcoming financial year.

Investment of CIL in green and blue infrastructure has consistently been one of the Council's priorities and the delivery of the SANGs strategy is a

continuation of an existing and established approach to improving green spaces in the borough.

The estimated cost of the delivery of the strategy represents an appropriate proportion of projected level of CIL income across the Plan period, whilst also allowing for the delivery of other infrastructure priorities. The use of CIL instead of individually negotiated Section 106 contributions allows an additional flexibility to forward fund some the interventions if necessary. In this context, it is also worth noting that both the Infrastructure Delivery Plan and Infrastructure Delivery Schedule (LPE 47) and the draft Suitable Alternative Natural Greenspace (SANGs) Strategy (LPE33) are clear that funding will not be restricted to CIL only, and the Council remains committed to securing alternative funding as and when the opportunity arises.

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?

The draft Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33) is sufficiently developed and robust enough support the HRA’s conclusion that, when taken with other measures including the delivery of the Strategic Access Monitoring and Management Strategy (SAMMs), as required under Policy 83 (subject to proposed modifications) of the Plan, no adverse effect on the integrity of the EFSAC will result from recreational pressure.

The conclusion of the HRA is also supported by Natural England, as set in out in the New Statement of Common Ground with Natural England (LPE64) which states:

“With regard LPE33 and wording changes to Policy 97, NE accept that the approach taken with regard Recreational Pressure is more logical than it was in March 2022. Accordingly, NE remove their challenge of soundness on this matter for Local Plan 1. NE look forward to continuing working with LBWF and all other Epping Forest partners on this matter and analysing the results of the comprehensive monitoring package.”

The SANGs Strategy covers the 15 year Plan period. It is acknowledged that the context within which investment in SANGs will be delivered over that period is likely to change. It is therefore important that the strategy is viewed as a strategic framework within which detailed proposals will be developed and reviewed at the appropriate time, prior to implementation. The Council considers this to be consistent with the established position following the No Adastral New Town Judgement¹⁰. The Council are satisfied

¹⁰ [2015] EWCA Civ 88

as to the achievability of the avoidance measures proposed through SANGs. As outlined in LPE30, together with the Strategic Access Management and Monitoring (SAMM) Strategy and Partnership Agreement, these measures will avoid and mitigate any potential harm to the EFSAC.

The Council is already monitoring the progress of previously committed SANGs projects. As set out in response to question 1.7, close monitoring will also take place to ensure visitor uplift is achieved in SANGs line with housing delivery and that the condition of the EFSAC does not deteriorate as a result of recreational harm caused by planned growth in Waltham Forest.

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'?

The Council have sought the professional opinion of Clearlead Consulting (part of SLR) to inform this response.

As Air Quality Study 2 (AQS2) (LPE35) assessed Option 1 (27,000 dwellings), the SA can conclude with certainty that Option 1 would result in a minor positive effect against SA Objective 9 (Improve Air Quality).

Air Quality Study 2 (AQS2) (LPE35) concludes that the planned growth proposed in the Plan would reduce traffic levels within the borough because much of the potential development would replace existing traffic-generating use with a car-free redevelopment and would be subject to Service and Delivery Plans and other trip reduction and management measures. Along with other policies within the Plan, such as policy 90, Air Pollution, there is a potential for air quality within the borough to improve under Option 1 and therefore, a potential minor positive effect is identified in the assessment of Option 1 against Sustainability Appraisal (SA) Objective 9 (Improve Air Quality) as set out in Appendix A of the SA Addendum (LPE36).

Air Quality Study 2 (AQS2) (LPE35) didn't assess Option 2 (20,224 dwellings), so the same conclusion can't be drawn with certainty in the SA. Therefore, the performance of Option 2, although potentially minor positive, is deemed to be uncertain against SA9, based on the evidence available for assessment. To illustrate this uncertainty, the evidence in Air Quality Study 2

(AQS2) (LPE35) shows that the more LP1 policy compliant development that comes forward on the sites assessed, the greater the likely improvements to air quality across the borough will be. If, under Option 2, the sites with the greatest reduction in trip numbers were not to come forward, more car generating uses would remain in operation across the borough. Whilst, as set out above in response to questions 1.1 – 1.4, Air Quality Study 2 (AQS2) (LPE35) shows that even under sensitivity testing of Option 1, reductions in traffic are anticipated, for SA purposes, because Option 2 was not assessed, the effect is recorded as uncertain.

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?

A significant proportion of the potential development sites assessed in Air Quality Study 2 (AQS2) (LPE35) currently experience high levels of vehicle activity, and have the potential for this to increase, under their 'unfettered' existing uses, due to the lack of existing planning controls on the land and existing development. This includes, for example, large surface level car parks, out-of-town retail parks, supermarkets with expansive car parking and industrial estates without servicing and delivery plans. Redevelopment of these sites in accordance with the policies in the Plan would allow for the design and modernisation of sites to reduce the need and potential for vehicle trip generation, and the introduction of planning controls to support this in the long term.

As cited above there is clear evidence within the borough of the delivery of mixed use development of existing high trip generating uses to deliver car-free residential development. In particular there are significant potential gains on likely development sites with the removal at retail sites, where development would remove a significant proportion of existing car parking to deliver mixed use schemes. Such sites include Leyton Mills Retail Park, Tesco Bakers Arms, Stanley Road Car Park, Tesco Leytonstone, High Street Sainsbury's and Morrisons Chingford.

In addition, it is considered that existing industrial sites would potentially benefit significantly from this process of modernisation to achieve greater efficiencies in the supply chain through consolidation and improved operations on sites across the borough. For sites 63-67 & 70-74 in Air Quality Study 2 (AQS2) (LPE35), it was conservatively assumed within the assessment that these sites would only be delivered with no net increase in

vehicle trips due to this process of modernisation and controls through the planning process. In reality, it is likely to result in a reduction. Under Policy 66, Managing Vehicle Traffic, the Council will work with applicants to secure measures including Service Delivery Plans to regulate vehicle activity to and from the site. The benefits of Service Delivery Plans include:

- Saving time and money through lower operating costs if deliveries are consolidated into larger, less frequent deliveries and enhancing supply chain economies of scale.
- Identifying where safe and legal loading can take place, both generally and in exceptional circumstances.
- Improving access to a delivery / collection origin or destination.
- Avoiding unnecessary vehicle movements through, into and out of sites.
- Reducing noise, CO2 and air quality emissions, congestion, collisions and overall freight costs by reducing the number of delivery trips (particularly during peak hours).

In relation to the phasing and timing of delivery, details of expected completion for all housing capacity sites are provided in the Updated Housing Trajectory (LPE31) and Updated 5 Year Housing Land Supply (LPE32). The potential development sites where the greatest improvement in vehicle trip numbers is distributed across the Plan period. This is reflected in the finding from the Air Quality Study 2 (AQS2), and confirmed in response to question 1.3 above, that neither the 50 AADT threshold nor JNCC DMT's will be exceeded in any year during the Plan Period on roads which lie within 200m of the EFSAC.

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?

The Council have sought the professional opinion of Clearlead Consulting (part of SLR) to inform this response.

The additional evidence on air quality set out in Air Quality Study 2 (AQS2) (LPE35) supports the HRA conclusions made in Habitats Regulations Assessment (HRA) Update (LPE47) that the Plan will not adversely affect Habitats Sites with regards to air quality both alone and in combination. In the New Statement of Common Ground with Natural England (LPE64) Natural England states that it is content with the technical approach taken in Air Quality Study 2 (AQS2) (LPE35) and is in agreement with the conclusions drawn from the new set of results. Natural England is therefore in a position to remove the challenge of soundness on that matter for Local Plan Part 1 and agree with the HRA conclusions that air quality will not result in Likely Significant Effects upon the integrity of Epping Forest SAC.

The Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33) sets out a methodology for provision of SANGs to meet the net needs of the 27,000 Plan target for new homes to be delivered over the next 15 years. The strategy identifies more than the requirement of SANGs to meet the identified need. With mitigation measures put in place within LP1, including the Strategic Access Management and Maintenance Strategy and the need for project level HRAs (Policy 83, The Epping Forest and the Epping Forest Special Area of Conservation, as modified) and the implementation of the Suitable Alternative Natural Greenspace (SANG) Strategy (LPE33), the Habitats Regulations Assessment (HRA) Update (LPE47) states that it will be possible to conclude that the Plan will not result in adverse effects on the integrity of Epping Forest SAC in relation to recreational pressures when the

Plan is assessed on its own or in combination with growth in neighbouring areas.

In the New Statement of Common Ground with Natural England (LPE64), Natural England states that it accepts that the approach taken with regard recreational pressure is more logical than it was in March 2022 and that Natural England has removed their challenge of soundness on this matter for Local Plan 1.

A limited number of further modifications to Policy 97 have been identified above in response to question 1.7. These are considered necessary to ensure the soundness of the Plan, with the relevant justification contained within the body of the Council's response. For purposes of clarity, the amended policy is set out below in whole and as they are now proposed, including amendments that have previously been submitted to the Inspectors. Extracted paragraphs from the supporting text have also been included where relevant.

Policy 97 - Monitoring Growth Targets

The Council will monitor progress towards the achievement of the key targets for growth (housing, including affordable housing, employment space and retail) annually as part of the Council Authority Monitoring Report (AMR). In the event that delivery falls significantly behind that which is required to achieve these targets, the Council will trigger a full or partial review of the Plan in order to address the reason/s for under-delivery.

Key indicators that would trigger a full or partial review are:

- Failure to demonstrate a 5-year housing land supply in any monitoring year with the following 2 monitoring years indicating no recovery in the position;
- Housing completions fall more than 15% beneath the targets in the housing trajectory over any rolling 3-year period;
- The delivery of employment space falls more than 20% beneath the target over any rolling 3-year period; and

- A reduction of more than 20% in retail space in designated centres over a 3- year period;
- A failure to meet the visitor uplift in identified Suitable Alternative Natural Greenspaces (SANGs) necessary to accommodate the new homes delivered* over a rolling three-year period, followed by an Epping Forest Condition Survey and visitor survey in the SAC that demonstrates deterioration in the condition of the SAC resulting from recreational pressure; and
- Travel plan monitoring demonstrating, over a three-year rolling period, an increase in traffic above the level sensitivity tested in Air Quality Study 2.

* Calculated according to the methodology established in the SANGS Strategy

Proposed supporting text:

As required by the National Planning Policy Framework and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Local Planning Authority will initiate a full review of the plan within 5 years of adoption. The purpose of the review is to ensure the Borough's development frameworks take account of changing circumstances affecting the area, or any relevant changes in national planning or plan making policy. Relevant strategic policies will need updating at least once every five years if the Borough's local housing need figure has changed significantly or is expected to change significantly in the near future.

As part of the overall Monitoring Strategy, the Council will monitor progress towards the achievement of key growth targets as set out in Policy 101, and the success of the measures required in Policy 83 to avoid and mitigate the Likely Significant Effects of recreational pressure on Epping Forest SAC.

Monitoring is required to ensure that the policies set out in the plan are relevant and effective. Regular monitoring will include analysis of delivery data and trends, including any new surveys of visitor numbers and condition of qualifying vegetation and stag beetles in Epping Forest. It will also take account of changes in legislation at the sub-regional and national level and include reviews of the plan's supporting evidence base where necessary. Monitoring progress against targets also provides a basis to trigger a whole or partial review of the plan, policies, strategies or actions to reflect changing circumstances.

Policy 83 requires investment in Suitable Alternative Natural Greenspaces (SANGs) across the borough in order to *avoid* recreational pressures on the Epping Forest SAC, and financial contributions to the joint Strategic Access Maintenance and Management (SAMM) Strategy, to be invested in the SAC in order to *mitigate* recreational pressures. The SANGS Strategy contains a comprehensive suite of monitoring indicators to ensure its effective and successful implementation. These are captured in Appendix 5 of this Plan. The Technical Oversight Group of SAMM partnership authorities will monitor the effective implementation of the SAMM Strategy with Natural England and the City of London Corporation as Conservators of Epping Forest.

Policy 97 ensures that a Plan review would be triggered in the unlikely event that these measures are unsuccessful and Likely Significant Effects do occur in the SAC as a result of recreational pressures arising from planned growth in Waltham Forest. In order to capture this, the trigger is phased. It would be implemented if monitoring showed that the visitor uplift required in SANGs across the borough to avoid recreational harm (as set out in the SANGS Strategy) was not met over a rolling three-year period. As this would indicate that harmful pressure could be being placed on the forest, it would be followed by a Council-led visitor survey and condition survey and of the SAC to ascertain whether there has been an increase in visitors from Waltham Forest, and whether any harm has been caused to qualifying features and species as a result of related increased recreational pressure.