

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

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### **MATTERS, ISSUES, AND QUESTIONS (MIQs)**

**Important: These MIQs should be read in conjunction with the Inspectors' Examination Guidance Note and the Draft Hearing Programme.**

References in squared brackets [] are to the document references in the Examination Library, which can be found on the Examination website <https://www.walthamforest.gov.uk/content/local-plan>.

#### **National Planning Policy Framework (NPPF)**

On 20 July 2021, the Secretary of State published a revised version of the NPPF which applies to all Plans submitted after 24 January 2019. Therefore, these MIQs will address whether the revised NPPF has any implications for the Plan's policies including in relation to achieving sustainable development, housing supply, design, street trees, and flood risk, and whether any main modifications are necessary for consistency with national policy.

#### **IMPORTANT UPDATE – JANUARY 2022**

**Please note the following additional question relating to Matter 5:**

Q188 Is Policy 80 consistent with the National Planning Policy Framework's approach to safeguarding open space and recreation facilities and does it set out appropriate criteria to deal with development proposals that could result in the loss of such facilities?

All the other MIQs remain the same as previously published. Please refer to the Examination Guidance Note for further information.

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

### **Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan**

- Q1 What are the relevant strategic matters that have arisen through the preparation of the Plan (defined as matters having a significant impact on at least two planning areas<sup>1</sup>)?
- Q2 Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an on-going basis with neighbouring authorities and the other prescribed bodies on these relevant strategic matters and what form has this engagement taken?
- Q3 What outcomes have resulted from engagement and cooperation on the relevant strategic matters and how have these informed the Plan's policies, including in relation to:
- i. Housing
  - ii. Infrastructure
  - iii. Economy
  - iv. Heritage and Culture
  - v. Green Infrastructure and the natural environment
  - vi. Transport
  - vii. Minerals
- Q4 Is the process of cooperation demonstrated with clear evidence, including Statements of Common Ground as expected by NPPF paragraph 27 and the Planning Practice Guidance? Do the Statements of Common Ground identify the relevant strategic matters, actions in relation to cross boundary issues, and the outcomes of actions taken?
- Q5 Have any significant concerns been raised in terms of compliance with the Duty to Cooperate?
- Q6 Are there any relevant strategic matters that have not been considered on a cross-boundary basis? If so, why?
- Q7 In overall terms, is there evidence to demonstrate that, during the preparation of the Plan, the Council has engaged constructively, actively and on an on-going basis with relevant authorities and prescribed bodies on relevant strategic matters? Has the Duty to Cooperate been met in a manner consistent with paragraphs 24 - 27 of the Framework?

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<sup>1</sup> S33A(4) of the Planning and Compulsory Purchase Act 2004

## **Issue 2 - Whether the requirements of the Conservation of Habitats and Species Regulations 2017 have been met**

- Q8 Is the Habitats Regulations Assessment [KD5] robust and does the Plan include all the recommendations identified as necessary to ensure compliance with the Regulations?
- Q9 The Habitats Regulations Assessment identifies that, without mitigation, the Plan could result in likely significant (adverse) effects on the Epping Forest Special Area of Conservation, both alone and in combination with growth in neighbouring areas, in terms of air pollution, recreational pressures, and urban effects. The Habitats Regulations Assessment also identifies that development of small sites adjacent to the Lee Valley Special Protection Area and Ramsar could have adverse urban effects.
- i. What are the implications for Habitats Sites arising from the spatial and growth strategy set out in the Plan, both alone and in combination with other plans and projects?
  - ii. Has the Suitable Alternative Natural Greenspace Strategy referred to been prepared and what is the up to date position in relation to the Strategic Access Management and Monitoring Strategy?
  - iii. Has the Air Quality Mitigation Strategy referred to been prepared?
  - iv. Has the avoidance of harm to relevant Habitats Sites been considered before mitigation or compensation? If not, should it have been?
- Q10 Have any concerns been raised about the Habitats Regulations Assessment and, if so, what is the Council's response to those? How has Natural England been involved and what is its current position?
- Q11 Have the necessary mitigation measures to avoid adverse effects on the integrity of designated sites been incorporated into the Plan's policies?
- Q12 Overall, have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?
- Q13 Are any main modifications necessary for legal compliance?

## **Issue 3 - Whether the Plan has been informed by Sustainability Appraisal**

- Q14 Is it clear how the Sustainability Appraisal [KD4] has informed the preparation of the Plan's strategies and policies at each stage, and how mitigation measures have been dealt with?
- Q15 Does the Sustainability Appraisal robustly test the Plan against reasonable alternatives, including in terms of the scale of housing and

employment growth set out in Policy 2 and its broad distribution set out in Policy 4?

- Q16 What alternative spatial strategy options were considered and is it clear why they were discounted? Where it is considered that there are no reasonable alternatives, is this clearly explained and justified?
- Q17 Have any concerns been raised about the Sustainability Appraisal and, if so, what is the Council's response to those? Have the requirements of the Strategic Environmental Assessment Directive been met?

#### **Issue 4 – Whether the Plan has been prepared in compliance with other legal requirements**

- Q18 Has the Plan been prepared in accordance with the adopted Local Development Scheme [KD10] in relation to its scope, timescale, and content?
- Q19 Has consultation on the Plan been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement [KD11]?
- Q20 Does the Plan include policies designed to secure that the development and use of land in the Borough contributes to the mitigation of, and adaption to, climate change in accordance with the legislation?<sup>2</sup>
- Q21 In what ways has Plan preparation and its content had regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?
- Q22 Has the preparation of the Plan complied with the Planning and Compulsory Purchase Act 2004 (as amended) Part 2 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in all other respects, including in terms of:
- i. Confirmation of general conformity with The London Plan 2021
  - ii. Having regard to the Planning Practice Guidance<sup>3</sup> that the preparation of the Plan should take into account policies and proposals in Neighbourhood Plans
  - iii. Making clear which policies will be superseded if it is adopted.

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<sup>2</sup>Section 19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended)

<sup>3</sup> PPG Reference ID 61-006-20190723

- Q23 Paragraph 1.12 of the Plan states that all the Plan's policies are strategic – is that justified and appropriate? What would the implications be for the preparation of any new Neighbourhood Development Plans?
- Q24 Has Plan preparation had regard to the additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?

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

**Issue 1 - Whether the vision and strategic objectives have been positively prepared and are justified, effective, consistent with national policy, and in general conformity with the London Plan with regards to the achievement of sustainable development (Vision, Objectives, Policy 1)**

- Q25 What is the basis for the 6 'Golden Threads', are they justified, and how do they relate to the vision and strategic objectives?
- Q26 Are the 14 strategic objectives soundly based, justified by the evidence and is it clear how the Plan's policies will help to deliver the vision and strategic objectives over the Plan period?
- Q27 Is Policy 1 consistent with the NPPF's approach to achieving sustainable development, including a sustainable pattern of development as set out at paragraph 11a, and will it be effective in informing proposals for new development?
- Q28 Are any main modifications necessary for soundness?

**Issue 2 - Whether the assessment of housing need and scale of housing and employment growth is justified, consistent with national policy and in general conformity with the London Plan (Policy 2)**

Context – Policy 2 of the Plan sets out that a net increase of 27,000 homes (1800 dwellings per year) and 52,000 square metres of employment floorspace will be promoted over the Plan period. The London Plan sets out a housing target for Waltham Forest of 12,640 net completions over the 10 year period 2019/20 to 2028/29 (1,264 dwellings per year).

Note - Issues and questions relating specifically to Borough wide housing policies (Policies 13 – 24), are covered under Matter 3.

- Q29 How has the scale of housing growth (27,000 additional homes) and employment floorspace (52,000 square metres) set out in Policy 2 been arrived at?

- i. Has an appropriate methodology for assessing housing need and establishing the housing requirement been applied?
- ii. Are the housing and employment requirements/targets positively prepared?
- iii. Should the requirements be altered in the light of the Council's intention to roll forward the plan period (as referred to in Q31)?

Q30 Is the housing requirement in Policy 2 in general conformity with the London Plan?

- i. Should the Plan reflect the housing target for the Borough set out in table 4.1 of the London Plan?
- ii. If so, and having regard to the London Plan 10-year housing target for the Borough of 1,264 homes per year, how would the Plan's housing requirement for years 11-15 be identified? What methodology would be used for calculating the housing requirement/target to the end of the plan period?

Q31 In responding to the Inspectors' Preliminary Matters [LPE0], the Council proposes to roll forward the Plan period from 2020–2035 to 2021–2036 to cover a minimum 15-year period from its anticipated adoption date. What implications, if any, would this have for the evidence base supporting the policies in the Plan, and would this revised period be consistent with NPPF paragraph 22?

Q32 Overall, is the scale of housing and employment growth justified, including with regards to general conformity with the London Plan's housing target for the Borough, the effect on Habitats Sites, and the findings of the Employment Land Study [EB6.1] and the Growth Capacity Study [EB6.2]?

Q33 Are any main modifications necessary for soundness?

**Issue 3 – Whether the spatial strategy and the distribution of housing, employment and other development is justified, effective and in general conformity with the London Plan? (Policies 3 - 11)**

Q34 Are the South, Central, and North Waltham Forest areas identified in Policy 4 justified by the evidence and how have they been defined?

Q35 Are the Strategic Locations referred to in Policy 4 justified, in particular:

- i. How have the 17 Strategic Locations in Figure 4.1 been identified?
- ii. Are they in general conformity with the London Plan Policy SD10 and how do they relate to the Strategic Areas for Regeneration identified in Figure 2.19 of the London Plan?

- iii How will they contribute to achieving Good Growth (Policy 6) and growth in the related Opportunity Area?
- Q36 Are the Site Opportunity Locations appropriate and justified, how have they been identified, what alternatives were considered, and will they support the planned level of growth?
- Q37 Is Policy 4 consistent with Policies 9, 10 and 11 in terms of the locations identified and the geographical area covered? In particular:
- i. Policy 9 (South Waltham Forest) includes Leyton Green as a Strategic Location but this is not included in Policy 4(A);
  - ii. Policies 9, 10 and 11 refer to Strategic Locations whereas Policy 4 refers to a number of District Centres and Sewardstone Road Neighbourhood Centre. Is there a difference between a strategic location and a defined centre in terms of their geographical extent and the relevant policy approach in the Plan?
- Q38 In Policy 4, is the level of growth 'Elsewhere in Borough' of 3,800 new homes realistic and justified? Would this have any implications for achieving sustainable patterns of development as sought by the NPPF and Policy 4?
- Q39 The Council has confirmed in its response [LPE6] to the Inspectors' Preliminary Matters letter [LPE0] that the Plan does not propose any changes to the Green Belt boundary or Metropolitan Open Land.
- i. Is that approach justified and is there any likelihood of changes being required to the Green Belt or Metropolitan Open Land boundaries in relation to potential site allocations in LP2?
  - ii. Has the Council considered longer term development needs and should any areas of safeguarded land be identified?
- Q40 Is the spatial strategy consistent with national policy on flood risk? Has the Plan been informed by a Strategic Flood Risk Assessment based on the most up-to-date flood risk data and climate change allowances and taking advice from the Environment Agency?
- Q41 Is the spatial strategy and scale of growth justified and consistent with national policy in respect of the effect on air quality in the Borough?
- Q42 In terms of this issue, are any main modifications necessary for soundness?

#### **Issue 4 – Whether the Plan’s growth strategy is deliverable including in development viability terms (Policies 2, 3, 4 and 12)**

- Q43 At a strategic level, will Policy 3 be effective in meeting the additional infrastructure required to support the level of growth proposed?
- Q44 Is the Plan’s scale and distribution of housing and employment growth financially viable including with regards to normal development costs and mitigation, and all relevant policy costs including affordable housing, habitats mitigation, infrastructure contributions, space and accessibility standards, and building and design requirements etc?
- Q45 Is there any disconnect in between demonstrating deliverability of the Plan’s spatial and growth strategy and the Council’s intention to allocate key/strategic sites in LP2 which is running to a later timetable? Should the Plan include any site allocations?
- Q46 Is the required ‘step change’ in the annual housing delivery rates realistically achievable and deliverable and what evidence is there to demonstrate this? How will the ‘step change’ be brought into effect?
- Q47 Overall, is the scale and distribution of proposed growth positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan with regards to deliverability?
- Q48 Overall, will the spatial and growth strategy be effective in achieving the Plan’s vision and objectives for the Borough and, if so, how? Is the overall scale and distribution of proposed growth appropriate and justified, including with regards to deliverability, the effect on Habitats Sites and air quality, and general consistency with the London Plan?
- Q49 In terms of this issue, are any main modifications necessary for soundness?

#### **MATTER 3: HOUSING LAND SUPPLY AND BOROUGH WIDE HOUSING POLICIES**

#### **Issue 1 - Whether the Plan will provide for a sufficient housing land supply to deliver the planned scale of housing growth over the plan period and whether a deliverable five-year supply of housing will be available on adoption (Policies 2 - 12)?**

Note – the Council has updated the land supply information in its Housing Position Statement [LPE9]

- Q50 Is the Plan consistent with the expectation of NPPF Paragraph 68 for planning policies to identify a sufficient supply of specific, deliverable



sites for years 1-5 of the plan period and specific, developable sites or broad locations for growth for years 6-10 and where possible for years 11-15? In particular:

- i. Having regard to the Planning Practice Guidance<sup>4</sup>, what is the estimated total supply of deliverable and developable new housing during the Plan period 2020–2035? What is the estimated supply from each of the following sources during the Plan period:
  - a) Sites with detailed planning permission for 10 or more dwellings
  - b) Sites with outline or detailed planning permission for 9 or less dwellings (small sites)
  - c) Windfall allowance
  - d) Other sites with outline planning permission for 10 or more dwellings, site allocations, and sites on the brownfield register.
- ii. What evidence is there to support the estimates in i. and are they justified? Is there compelling evidence to support the windfall allowance and is it generally comparable to the Borough's 'small sites' figure in Table 4.2 of the London Plan?

Q51 Can the submitted Plan specifically demonstrate a deliverable five-year supply of housing land at adoption and, if so, is there a reasonable prospect of this being maintained throughout the Plan period? In particular:

- i. What is the requirement for the first five years following adoption of the Plan and what buffer should be applied?
- ii. Would accounting for previous surplus housing delivery in calculating the five-year housing land supply be justified and consistent with national policy and the Planning Practice Guidance? Would the conclusions of the Council's Housing Position Statement [LPE9] change if surplus is not accounted for?

Q52 Overall, would at least 10% of the housing requirement be accommodated on sites no larger than one hectare as set out in NPPF paragraph 69?

Q53 How does the projected annual level of housing growth compare with recent housing delivery? In particular:

- i. Is the Plan's housing trajectory and stepped housing requirement justified and effective?
- ii. Should the stepped housing requirement be set out within Policy 12?

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<sup>4</sup> PPG paragraph 68-007-20190722

Q54 Overall, is the Plan's approach to housing supply and the housing trajectory positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan?

Q55 In terms of this issue, are any main modifications necessary for soundness?

**Issue 2 - Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to general housing policies (Policies 13 - 24).**

*Policy 13 – Delivering Genuinely Affordable Housing*

*Policy 14 – Affordable Housing Tenure*

Q56 What evidence is there to demonstrate the need for affordable housing in terms of numbers of units and tenure?

Q57 What is the basis for the headline aim of the delivery of 50% genuinely affordable housing in Policy 13?

- i. Is it clear what is meant by 'genuinely affordable housing' in Policy 13?
- ii. Is there viability evidence to support the overall 50% affordable housing target and the thresholds set out in Policy 13 criterion Ci?
- iii. How will the 50% target be achieved given the minimum 35% initial threshold in criterion Ci?
- iv. What is the past record of delivery of affordable housing in the Borough and how will future delivery be achieved?
- v. Is there sufficient flexibility in the policies?

Q58 Is Policy 13 criterion E sufficiently clear about when off-site provision or payment in lieu will be accepted and how such payments would be calculated?

Q59 What is the basis for the approach to tenure split in Policy 14 and is this justified? Does "...schemes of 10 or more units" in Policy 14 mean the same as "...development involving the addition of 10 or more units..." in Policy 13? Is this sufficiently clear?

Q60 In the light of the Written Ministerial Statement of 24 May 2021 regarding First Homes, would a requirement for early review of the Plan's policies relating to affordable housing be necessary?

Q61 Are Policies 13 and 14 consistent with the NPPF in respect of all types and tenures of affordable housing and are they in general conformity with the London Plan?

*Policy 15 – Housing Size and Mix*

- Q62 What is the basis for the mix of housing sizes sought in Policy 15 and is it justified? Is the policy's preferred housing size and mix consistent with delivery of 27,000 new homes and the approach to intensification and increasing housing density set out in the Plan's spatial and growth strategy?

*Policy 18 – Other Forms of Housing*

- Q63 Is the requirement for affordable housing provision in criterion D justified including in terms of development viability, is it consistent with national policy, and in general conformity with the London Plan?

*Policy 19 – Small Sites*

- Q64 Does the policy relate to small sites for mixed use including some residential as well as small sites for residential only? If not, should it?
- Q65 How would the policy be implemented in practice? Is it necessary for all criteria A, B and C to be met? Should the policy specify relevant PTAL (public transport accessibility level) ratings?

*Policy 20 – Housing in Multiple Occupation (HMO) and Conversions*

- Q66 Is the policy justified, effective and consistent with national policy? How was the floorspace threshold of 124 square metres derived?
- Q67 How would 'over concentration of conversions' in criterion A.ii be measured and assessed? Is the policy sufficiently clear in this regard?
- Q68 Is the car free requirement at criteria B.iv and C.ii consistent with the requirements of Policy 68 (Managing Vehicle Traffic). How would these criteria be implemented in practice, for example where a home proposed for conversion has existing car parking facilities?
- Q69 Does the policy preclude all residential conversions and HMOs outside areas in PTAL3 and above? If so, what is the evidence to support this approach?

*Policy 21 – Downsizing*

*Policy 22 – Supported and Specialist Accommodation*

- Q70 Is Policy 21 justified? Is it appropriate to encourage only the delivery of flats as downsizing units for those aged 55+ or should other housing types be included?

Q71 How will Policy 21 be implemented in practice? Is it applicable only to developments of over 100 units?

Q72 Is Policy 22 justified? Is it appropriate and necessary for reference to specific use classes to be included in Table 8.6?

### *Policy 23 – Gypsies and Travellers*

Q73 What is the identified need for accommodation for Gypsies and Travellers? In particular:

- i. Is the Gypsy and Traveller Accommodation Assessment (March 2020) [EB4.2] consistent with national policy in identifying accommodation needs for Gypsies and Travellers?
- ii. Should the need for the numbers of pitches identified in the Accommodation Assessment be specified within the policy?
- iii. Is the Plan justified in expecting all additional accommodation needs over the plan period to be met by intensification of existing sites?

Q74 What is the relationship with the London Plan in terms of identifying accommodation needs for Gypsies and Travellers and is the Plan's policy approach in general conformity with the London Plan?

Q75 How would the policy be implemented in practice and is it sufficiently clear how an application for Gypsy and Traveller accommodation, including proposals other than at existing sites, would be assessed?

Q76 Overall, are Policies 13 - 24 positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?

Q77 Are any main modifications necessary for soundness?

## **MATTER 4: EMPLOYMENT AND THE VITALITY AND VIABILITY OF CENTRES**

Context - The Plan does not identify additional sites for employment, additional floorspace is expected to be delivered through intensification and consolidation of existing employment areas.

Note - On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (UCO 2020) came into force. The Regulations create some new use classes, including Class E - Commercial, business and service uses.

**Issue 1 - Whether the assessment of the need for employment and the employment floorspace requirement is soundly based and whether the Plan sets out a positively prepared strategy for the economy**

- Q78 Which employment sectors are forecast to generate the additional 8,100 jobs set out in the Greater London Authority forecast and does this reflect the Borough's circumstances in terms of historical rates of jobs growth and the sectors envisaged for growth?
- Q79 Would the jobs created be likely to meet the requirements of the Borough's working population? Are there any identified skills shortages and how would these be addressed?
- Q80 How has the need for employment been translated into the floorspace requirement of 52,000 square metres set out in Policies 2 and 25? Is the approach in relation to the following factors justified:
- i. No allowance for vacancies, loss of employment land or contingencies
  - ii. Assumptions for job densities, including any implications of the Use Classes Order as amended in 2020 and 2021 Class E
  - iii. Gross developable area to net floorspace assumptions.
- Q81 Is the sensitivity 3 scenario set out in the Employment Land Study (2019) [EB6.1] realistic in terms of the likely future demand for distribution floorspace? Can additional Class B8 (storage and distribution) floorspace be delivered effectively through intensification of and co-location on existing employment sites?
- Q82 Are the Strategic Industrial Locations (SIL), Locally Significant Industrial Sites (LSIS) and Borough Employment Areas (BEA) shown on Figure 9.1 and the visions set out in Appendix 2 of the Plan justified and in general conformity with the London Plan? What are the implications of allowing offices (Class E (G)(i)) on BEA? Are any main modifications necessary for soundness?
- Q83 Is Policy 25 justified in directing distribution uses to locations within good proximity of the strategic road network? Should the policy also include reference to co-location?
- Q84 Overall, are Policies 2 and 25 positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?
- Q85 Are any main modifications necessary for soundness?

**Issue 2 – Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan, in relation to other Borough-wide policies for the local economy (Policies 26 – 35 and 38)**

*Policy 26 – Safeguarding and Managing Strategic Industrial Land*

Q86 Is Policy 26 in general conformity with the London Plan in relation to the types of uses that will be supported on Strategic Industrial Land?

*Policy 29 – Approach to Non-Designated Employment Land*

Q87 Is Policy 29 justified including the 12-month marketing requirement in criterion D and are any main modifications necessary for general conformity with the London Plan and to address soundness issues?

*Policy 30 – Industrial Masterplan Approach*

Q88 Should Policy 30 set out a specific requirement for a masterplan as part of proposals for Borough Employment Areas/Strategic Industrial Land/Locally Significant Industrial Sites? Is it sufficiently clear what is meant by the reference to employment floorspace in part B of the policy?

Q89 What is the role of the Industrial Intensification Supplementary Planning Document in providing more detail of the implementation of the Plan's employment policies?

*Policy 31 – Co-location Design Principles*

Q90 Is Policy 31 positively prepared and should it include reference to food and drink uses?

Q91 What effect, if any, would permitted development rights for the change of use within Class E have on the Plan's strategy to intensify and consolidate employment development on existing sites?

Q92 What evidence justifies the threshold in Policy 33 of 1,000m<sup>2</sup> for the delivery of affordable workspaces as part of new employment development?

*Policy 35 – Railway Arches*

Q93 Is Policy 35 positively prepared and justified in relation to the uses that will be supported in railway arches?

- i. Is further clarity required on arches that are located within Borough Employment Areas/Strategic Industrial Land/Locally Significant Industrial Sites?
- ii. Is the reference to their role in providing 'affordable' locations for employment activities in paragraph 9.51 justified?

*Policy 38 – Blackhorse Lane Creative Enterprise Zone*

Q94 Is the policy justified and how would it be implemented in practice?

- i. Should the policy include flexibility for consideration of development viability?
- ii. Should criterion C include creative workspaces?

Q95 Overall, is the Plan positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to other Borough-wide policies for the local economy?

Q96 Are any main modifications necessary for soundness?

**Issue 3 – Whether the Plan will contribute to the vitality and viability of Walthamstow town centre, the District Centres, Neighbourhood Centres, and the Local Retail Parades (Policies 39 – 47)**

*Policy 39 – Hierarchy of Centres*

Q97 What evidence justifies the designations of the town, district and neighbourhood centres and the local retail parades in Policy 39?

Q98 Is Policy 39 in general conformity with the London Plan in restricting uses in District Centres to those that will complement Walthamstow Town Centre, having regard to connections between those centres?

*Policy 40 – New Retail, Office and Leisure Developments*

Q99 Is the 200sqm threshold for impact assessments in Policy 40 based on robust evidence? How would the need for a 'broad brush' statement of impact be defined?

Q100 What implications, if any, does the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations), SI 2020/757 and changes to the General Permitted Development Order have for the Article 4 directions in place?

*Policy 42 – Managing Changes of Use in Primary Shopping Areas*

Q101 Is it clear what is meant by 'other uses' and would they be permitted in the primary shopping area as well as within the town centre boundary?

*Policy 46 – Evening and Night-time Economy Uses*

Q102 Does Policy 46 set out a robust approach to dealing with proposals for evening and night-time uses? How would potential conflicts with adjoining uses be addressed, for example residential?

Q103 Overall, does the Plan set out a positively prepared, justified, and effective strategy for the vitality and viability of the Borough's centres and local retail parades?

Q104 Are any main modifications necessary for soundness?

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

**Issue 1 - Whether the policies relating to the environment, climate change, flood risk, pollution, and waste management are positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan (Policies 79–95).**

*Habitats Sites*

Q105 What, if any, are the implications for Habitats Sites of an annualised housing target of 1,800 homes per annum (based on the Plan's proposed overall target of 27,000) compared to the annualised target ten-year for the Borough of 1,264 homes per annum set out in the London Plan?

*Policy 81 - Biodiversity and Geodiversity*

Q106 Is the policy consistent with national policy and would it secure a net gain in biodiversity as required by section 15 of the NPPF?

*Policy 82 – Trees*

Q107 Is the policy consistent with paragraph 131 of the NPPF in relation to the important contribution that trees make to urban environments?

*Policy 86 – Allotments*



Q108 Is the policy justified in requiring no net loss of allotment sites and is it sufficiently clear how any proposals affecting allotments would be assessed?

*Policy 87 – A Zero Carbon Borough*

*Policy 88 – Decentralised Energy*

*Policy 89 – Sustainable Design and Construction*

Q109 Are the percentage reduction requirements below Part L in Policies 87 and 89 justified and consistent with national policy including the Government's current policy for energy performance set out in the Written Ministerial Statement (March 2015)?

Q110 Are criteria D and F of Policy 87, and criterion G of Policy 89, compatible?

Q111 Should Policy 87 include different targets for development involving reuse or conversion?

Q112 How would the carbon offset fund contributions in criterion F of Policy 87 work in practice?

Q113 Is it sufficiently clear what is required in the bullet points of Policy 88 criterion A? Does criterion B contradict the requirements of A? Are the requirements justified?

Q114 Is criterion G of Policy 89 consistent with the reductions against Part L specified in Policy 87?

Q115 Is it sufficiently clear how developers and decision makers should respond to the various policy targets in practice? For example, how would compliance with the carbon reduction targets be assessed, measured, secured, and evidenced?

Q116 Does Policy 89 make sufficient provision for biodiversity, having regard to national policy and in the light of Policy 81?

Q117 Should Policy 89 make distinctions between different types or sizes of development?

*Policy 90 – Air Pollution*

Q118 Is Policy 90 consistent with NPPF paragraph 186 and in general conformity with the London Plan? Should the policy define or identify the Borough's air quality focus areas, and should it require specific design measures for effectiveness?

*Policy 91 – Water Quality and Water Resources*

Q119 Having regard to the expectations of the Planning Practice Guidance<sup>5</sup>, is there evidence of a clear local need for the residential water efficiency standard set out in criterion C of Policy 91?

*Policy 92 – Contaminated Land*

Q120 Will Policy 92 be effective in managing contaminated land and preventing the spread of contamination?

*Policy 93 – Managing Flood Risk*

Q121 Is Policy 93 effective and consistent with national policy in relation to flood risk?

Q122 Is the policy sufficiently flexible to respond to situations where Sustainable Drainage Systems will not be appropriate, including having regard to the PPG<sup>6</sup>?

Q123 How will criterion H be implemented in practice? Is it sufficiently clear to potential applicants and decision makers how they should respond to it?

Q124 How will criterion K be implemented in practice? Have such flood alleviation projects been identified and costed?

Q125 Overall, are Policies 87-95 positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan?

Q126 Are any main modifications necessary for soundness?

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<sup>5</sup>

<sup>6</sup> PPG Reference ID: 7-082-20150323

## **MATTER 6: BUILT ENVIRONMENT, HERITAGE AND DESIGN**

**Issue 1 - Whether the Plan has been positively prepared and whether it is justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to creating high quality places and preserving or enhancing the Borough's heritage (Policies 56 - 61 and 72 - 78).**

### *Policy 56 – Delivering High Quality Design*

- Q127 Is the policy justified and is it consistent with national policy, including paragraphs 8b, 8c, 128, 129, 130, 131 and 134 of the NPPF?
- i. Should the policy cover the role of national and local design guides and codes and how these will be considered for decision-making?
  - ii. Is there sufficient emphasis on trees and tree-lined streets?
- Q128 Should the policy refer to masterplan approaches to design?
- Q129 Is it sufficiently clear how criteria C, D, E and F should be applied in practice?
- Q130 Are the requirements of criterion R justified and how will they be implemented in practice?
- Q131 Will the policy be effective in improving biodiversity?

### *Policy 57 – Taller and Tall Buildings*

- Q132 Is Policy 57 justified and how will it be implemented alongside Policy 56 in practice? Is the policy in general conformity with the London Plan?
- Q133 Should the policy be more specific in defining the locations in which taller and tall buildings will (or will not) be appropriate? Is it sufficiently flexible?
- Q134 Is it sufficiently clear what is meant by 'taller' and 'tall' buildings and by 'transformation', 'transition' and 'reinforcement' and is it sufficiently clear how applications for mixed-height developments will be assessed?
- Q135 Is the policy compatible with the Plan's spatial and growth strategy, including Policy 8 - Character Led Intensification?

### *Policy 58 – Residential Space Standards*

- Q136 What is the relationship between Policy 58 and the Nationally Described Space Standards?

Q137 Are the external space standards set out in criterion C of Policy 58 justified and are they in general conformity with the London Plan? Is the policy sufficiently flexible to take account of site-specific circumstances and requirements?

*Policy 59 – Amenity*

Q138 Would the policy be effective in providing for satisfactory living conditions for the future occupiers of new development as well as adjacent residential properties?

*Policy 60 – Designing Out Crime*

Q139 Would the policy be effective and how would it relate in practice to Policy 52 (Making Safer Places)?

Q140 Should all major developments be required to achieve Secured by Design accreditation?

Q141 Should wider liaison be provided for in Criterion C?

*Policy 61 – Advertisements, Hoardings and Signage*

Q142 Is the policy justified, effective and consistent with NPPF paragraph 136? Would it be effective given the separate consent system for the control of advertisements?

*Policies 72 – 78*

Q143 Do Policies 72-78 effectively deal with the full range of historic environment issues in a clear and consistent manner?

*Policy 72 – Designated Heritage Assets*

*Policy 73 – Listed Buildings*

*Policy 74 – Conservation Areas*

*Policy 75 – Archaeological Assets and Archaeological Priority Areas*

Q144 Are Policies 72 and 73 consistent with national policy and statutory requirements associated with heritage assets? Is it justified to expect assets to be preserved and enhanced (our emphasis)?

Q145 Is it sufficiently clear how criteria G and H of Policy 72, criterion D of Policy 74 and criterion E of Policy 75, would be applied in practice?

Q146 Is criterion D of Policy 73 justified and consistent with NPPF paragraph 202 in requiring any change of use of a listed building to be demonstrated to be the asset's optimum viable use?

Q147 Is it sufficiently clear how Policy 73 will be implemented in practice, and is it consistent with policy 72? Is criterion E of Policy 73 consistent with criterion D of Policy 72 and with NPPF paragraphs 200 and 201?

*Policy 76 – Non-designated Heritage Assets*

*Policy 77 – Locally Listed Buildings*

Q148 Is criterion B of Policy 76 justified and consistent with NPPF paragraph 203?

Q149 Is Policy 77 consistent with Policy 76?

*Policy 78 – Highams Area of Special Character*

Q150 Are the expectations of Policy 78 sufficiently clear to inform and assess development proposals in the Area of Special Character?

Q151 Overall, are Policies 56 - 61 and 72 to 78 soundly based and in general conformity with the London Plan?

Q152 Are any main modifications necessary for soundness?

**MATTER 7: HEALTH, WELLBEING, AND INFRASTRUCTURE TO SUPPORT COMMUNITIES AND THE NEW DEVELOPMENT PROPOSED IN THE PLAN**

**Issue 1 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to the delivery of infrastructure to support communities and the growth strategy**

Q153 Does the Infrastructure Delivery Plan [KD12] contain the full range of infrastructure necessary to support the development proposed in the Plan and how will the Infrastructure Delivery Plan respond to changing circumstances?

*Policy 96 – Infrastructure and Developer Contributions*

Q154 Is Policy 96 justified and effective in terms of the contributions that will be sought towards new and improved infrastructure to support development proposed in the Plan?

- i. What is the role of the Planning Obligations Supplementary Planning Document in this regard and has that document been published?
- ii. Is the policy sufficiently clear about the circumstances in which developer contributions will be sought beyond monies collected

from the Community Infrastructure Levies (Borough and Mayoral)?

**Issue 2 – Whether the Plan is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to community infrastructure and utilities (Policies 36, 37 and 48 – 55)**

*Policy 36 – Promoting Culture and Creativity*

Q155 Is the policy justified?

Q156 What evidence justifies the requirement in criterion F. for schemes over 100 units or 10,000sqm to contribute to cultural enhancement projects?

- i. Has this requirement been subject to viability testing and is the policy sufficiently flexible in this regard?
- ii. Is there an up-to-date and published Cultural Strategy?

*Policy 37 – Protecting Public Houses (Pubs)*

Q157 Is Policy 37 justified and how would it be implemented in practice?

Q158 Is criterion A.ii. sufficiently clear?

Q159 Is the policy in general conformity with the London Plan in requiring a marketing period of 12 months at criterion B.iii.?

Q160 How does the policy relate to Policy 48 (social and community infrastructure)? Is the 12 months marketing period consistent with the requirement of 12-18 months in Policy 48 D.iii?

*Policy 48 – Social and Community Infrastructure*

Q161 Will Policy 48 criterion C be effective in 'expecting' new development to contribute to new infrastructure and are there any implications for the Public Sector Equality Duty in relation to the requirements set out in criterion A (iv and v)?

*Policy 49 – Education and Childcare Facilities*

Q162 Is Policy 49 criterion B justified in requiring new education/childcare facilities to be in locations with good public transport in addition to being accessible by walking and cycling?

*Policy 50 – Promoting Health and Wellbeing*  
*Policy 51 – Health Impact Assessment*

Q163 Is Policy 50 justified in encouraging the use of health impact assessments in all major applications?

- i. Would this be effective and how would it relate in practice to Policy 51?
- ii. Are Policies 50 and 51 consistent with each other?
- iii. Is it sufficiently clear what would be required and in what circumstances a full HIA would be required?

Q164 Should Policy 50 criterion H include access to waterways?

*Policy 52 – Making Safer Places*

Q165 Is the policy justified? How will it be used in practice in relation to Policy 60 (Designing out Crime), which appears to cover the same criteria?

*Policy 53 - Noise, Vibration and Light Pollution*

Q166 Is the policy justified and positively prepared in requiring 'no increase' in background noise levels in criterion D? Should mitigation measures in criterion C relate to vibration in addition to noise?

*Policy 54 – Hot Food Takeaways*

*Policy 55 – Betting Shops and Payday Loan Shops*

Q167 Are Policies 54 and 55 justified, sufficiently flexible, and will they be effective in supporting healthy choices and lifestyles?

- i. Is it sufficiently clear how criterion A of Policy 54 and criterion B of Policy 55 would be implemented in practice for assessing planning applications?
- ii. What evidence is there to support criteria B and C of Policy 54 and is the incorporated restriction on commercial restaurant activity justified and consistent with national policy?
- iii. How will criterion B of Policy 54 be assessed – is the 400m a radius, a walking distance, or something else? Is 'the boundary' suitably clear?
- iv. Would Policy 54 effectively amount to a blanket ban on restaurants with an element of hot food takeaway within 400m of child and youth facilities?
- v. Should Policy 54 apply to premises operating within use class E?

**Issue 3 – Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to transport and achieving a modal shift towards active and sustainable travel (Policies 62 – 69)**

- Q168 The Strategic Transport Review [EB10.1] (page 35) indicates that several key routes to the north of the Borough in Epping Forest District are operating severely over capacity.
- i. Will the housing and employment development in Waltham Forest have an impact on these routes and if so, what are the implications?
  - ii. Have the transport impacts of the Plan been tested, and if so, how?
- Q169 How will the Plan's policies help to deliver a 30% reduction in road transport and a reduction in nitrogen oxide emissions?
- Q170 What are the implications of the proposed expansion of the Ultra Low Emission Zone (ULEZ) for the Borough's travel patterns and parking strategy?
- Q171 What implications, if any, does the scale of housing and employment growth proposed in the Plan have for public transport services in adjoining Boroughs? Does the Plan seek to improve accessibility between Waltham Forest and destinations in adjoining Boroughs and, if so, how?

*Policy 65 – Development and Transport Impacts*

- Q172 Is Policy 65 clear and effective in relation to the scale of development that would trigger the need for a Transport Assessment? What evidence will be required to assess the need for a Transport Assessment?

*Policy 67 – Construction Logistic Plans*

- Q173 For effectiveness, should Policy 67 make clear the scale of development that will trigger the need for a Construction Logistic Plan?

*Policy 68 – Managing Vehicle Traffic*

- Q174 What evidence justifies Policy 68 in requiring all new residential development to be car free?
- Q175 Will the policy be effective and how will it be implemented for individual planning applications?



- i. Is it clear when a Transport Assessment will be required?
- ii. Can car free development be achieved in areas outside Controlled Parking Zones and if so, how?

*Policy 69 – Electric Vehicles (EV)*

- Q176 How will Policy 69 secure 'electric vehicles only' at new residential developments?
- Q177 Will the Plan be effective in securing new travel and transport infrastructure and improvements to existing infrastructure to support communities and new growth?
- Q178 Overall, are the Plan's travel and transport policies justified, will they be effective in achieving a modal shift towards active and sustainable travel and are they consistent with national policy and in general conformity with the London Plan?
- Q179 Are any main modifications necessary for soundness?

**MATTER 8: PLAN VIABILITY, DELIVERABILITY, AND MONITORING**

**Issue 1 - Whether the Plan is justified, effective, consistent with national policy, and in general conformity with the London Plan in relation to whole plan viability, whether it is deliverable in the Plan period, and whether there are robust arrangements for implementation, monitoring, and review.**

- Q180 Do the residential site typologies tested in the Viability Study [KD13] reflect the type of housing sites expected to be delivered over the Plan period, in terms of their size, density, dwelling and tenure mix?
- Q181 The Viability Study [KD13] concludes that taller/denser developments are more likely to be viable in the higher benchmark value areas (paragraph 6.7). What implications, if any, would that have for the delivery of housing in the lower benchmark value areas and for the Plan's housing delivery strategy overall?
- Q182 The Viability Study [KD13] concludes that the Borough has a complex range of development scenarios with sites in various existing uses. Would new development be able to accommodate the Plan's policy requirements having regard to viability and is this supported by the evidence in the Viability Study?
- Q183 Can 50% affordable housing be viably delivered on sites in the Borough in industrial use, in general conformity with London Plan Policy H4?

- Q184 Will the monitoring indicators and targets in Appendix 5 of the Plan provide a robust basis for assessing Plan outcomes and will the indicators, targets and triggers be effective in measuring the delivery of the Plan's vision and objectives?
- Q185 Does the Plan have sufficient flexibility to respond to changing circumstances?
- Q186 Overall, is the Plan viable, deliverable, and are there appropriate arrangements for implementation, monitoring and review?
- Q187 Are any main modifications necessary for soundness?

ADDITIONAL QUESTION RELATING TO MATTER 5

- Q188 Is Policy 80 consistent with the National Planning Policy Framework's approach to safeguarding open space and recreation facilities and does it set out appropriate criteria to deal with development proposals that could result in the loss of such facilities?