

Waltham Forest Local Plan LP1

Stage 2: Examination Hearing Day 1 – Matters 1 & 2

Tuesday 7 March 2023 starting at 10.00am and 2.00pm

Agenda

Please Note:

- All participants are encouraged to familiarise themselves with the Hearing Statements (and any relevant evidence) produced by the Council and other parties in respect of the matters addressed at this session. These are available on the examination website.
- The relevant Further Matters, Issues, and Questions are attached for ease of reference. The areas for discussion relate to points on which the Inspectors require further information or clarification.
- The morning hearing session will finish no later than 1pm, including a mid-morning break. The afternoon hearing session will finish by 5pm, including a mid-afternoon break.

1. Inspectors' Opening and Introductions

2. Council's Update

3. Clarification/Follow-Up Points

4. MATTER 1: Duty to Cooperate, Habitats Regulations Assessment, and Other Legal Requirements

Key Documents

Examination Stage 2 Topic Paper (LPE30)
Updated Housing Trajectory (LPE31)
Updated Five-Year Housing Land Supply (LPE32)
Suitable Alternative Natural Greenspace Strategy (revised September 2022) (LPE33)
Sequential Test Statement (September 2022) (LPE34)
Air Quality Study 2 (LPE35)
Sustainability Appraisal Report Addendum (LPE36.1–36.4)
Habitats Regulations Assessment Report (LPE37.1–37.2)
Statement of General Conformity with the London Plan (LPE38)
Statement of Common Ground with the Environment Agency (LPE39)
Joint Letter with Natural England (LPE40)

Joint Letter with City of London Corporation (LPE41)
Joint Letter with Lee Valley Regional Park Authority (LPE42)
New Statement of Common Ground with Natural England (LPE64)

4.1 Habitats Regulations Assessment – Air Quality

Key Areas for Discussion:

- Whether the use of the 50 AADT threshold set out in the Air Quality Study 2 is justified and robust in the circumstances of Waltham Forest and the assessment of the effects of the Plan on the Epping Forest Special Area of Conservation.
- The status of the Joint Nature Conservation Committee Report No. 696 and whether the 'Decision Making Threshold' is appropriate in the context of a Habitats Regulations Assessment of a Plan, having regard to the guidance at Section 5.5 of that document.
- Are the anticipated reductions in AADT listed in the Air Quality Study 2 (LPE35) (Table B-1) realistic and achievable having regard to the existing and proposed land uses, including in relation to the following sites:
 - SA01 Leyton Mills Retail Park
 - SA11 Tesco, Bakers Arms
 - SA19 Tesco, Leytonstone Town Centre
 - SA28 Sainsburys, High St, Walthamstow
 - SA345 Webbs, Blackhorse Lane
 - SA38 Sterling House, Forest Road Corridor
 - SA48 Morrisons, North Circular Corridor
- Whether any allowances are made for vehicle movements for domestic activity such as deliveries and taxis in calculating AADT and the sensitivity testing undertaken.
- The other policy measures in LP1 that will be required to achieve the anticipated reductions, for example, Policy 68 Managing Vehicle Traffic.
- The main modifications to Policy 97 (Monitoring Growth Targets) proposed by the Council (Matter 1 Hearing Statement page 14) in relation to the monitoring of traffic growth.

4.2 Sustainability Appraisal – Air Quality

Key Areas for Discussion

- Whether any further sustainability testing of Option 2 - 20,224 dwellings over the Plan period (based on the London Plan 10-year target) is necessary in relation to the effect on air quality (SA Objective 9).

4.3 Habitats Regulations Assessment – Suitable Alternative Natural Greenspace

Key Areas for Discussion:

- The evidence and assumptions that have informed the SANGs methodology in LPE33, including the likely number of visits per resident from proposed new developments.
- Whether the proposed SANGs sites will offer an alternative to Epping Forest for recreation, having regard to their distribution, accessibility, and quality.
- How existing deficiencies in open space provision would be addressed.
- The main modifications to Policy 97 (Monitoring Growth Targets) proposed by the Council (Matter 1 Hearing Statement (page 14) in relation to visitor uplift, Epping Forest Condition Survey and the Visitor Survey.

4.4 Review of Matter 1 main modifications necessary for the soundness of the plan.

5. MATTER 2: Vision, Strategic Objectives, Sustainable Development, and Scale of Growth

Examination Stage 2 Topic Paper (LPE30)

Updated Housing Trajectory (LPE31)

Updated Five-Year Housing Land Supply (LPE32)

Sequential Test Statement (September 2022) (LPE34)

Air Quality Study 2 (LPE35)

Statement of General Conformity with the London Plan (LPE38)

5.1 Scale and Distribution of Housing Growth

Key Areas for Discussion

- Proposed change to the Plan period to 2023/24 to 2037/38.
- Whether the further sustainability testing in LPE36.1 supports the selection of Option 1 (27,000 dwellings over the Plan period) as the preferred option for the Plan's housing requirement.
- The proposed main modifications to the scale of housing development in South Waltham Forest (14,390 dwellings), Central Waltham Forest (8,700 dwellings) and North Waltham Forest (3370 dwellings) set out in Topic Paper 2 (LPE30).

5.2 Review of Matter 2 main modifications necessary for the soundness of the Plan.

6. Close by 5pm.

FURTHER MATTERS, ISSUES, AND QUESTIONS (MIQs)

MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

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 (NOx), Ammonia (NH3), nitrogen and acid deposition below that level will be negligible?

- 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 Judgement¹ in relation to 'in combination' effects, and does it meet the requirements of the 'precautionary principle'?

- 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?

- 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?

¹ Wealden District Council v SSCLG, Lewes District Council & South Downs National Park Authority [2017] EWHC 351 (Admin)

- 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)?
- 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?

Habitats Regulations Assessment – Suitable Alternative Natural Greenspace

Note - The draft Suitable Alternative Natural Greenspace (SANGs) Strategy is now proposed to be included within Part 1 of the Green Spaces and Places Supplementary Planning Document (LPE33).

- 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?
- 1.8 Have the capacity, quality and deliverability of the proposed sites been robustly assessed in the draft SANGs Strategy? Will the Community Infrastructure Levy be a secure mechanism for funding proposed interventions at the various SANGs sites?
- 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?

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'?
- 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?

- 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?

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

The Scale of Housing Growth

- 2.1 The SA Addendum (LPE36.1) tests the sustainability implications of the 10-year target for net completions in Waltham Forest set out in the London Plan (1264 dwellings). Is the Topic Paper's conclusion (paragraph 3.7.2.5), that Option 1 (27,000 dwellings) remains the preferred option, reasonable and justified by the evidence?
- 2.2 The Council now proposes to roll forward the Plan period from 2020–2035 to 2023/24 – 2037/38 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 should the overall scale of housing growth be altered in the light of the amended Plan period?

The Distribution of Housing

- 2.3 The Topic Paper (LPE30 pages 21-22) sets out further changes to the proposed distribution of housing growth set out in the Plan's Policies 4, 9, 10 and 11. Are these changes justified and in general conformity with the London Plan?
- 2.4 Overall, is the scale and distribution of housing and employment growth justified, including with regards to general conformity with the London Plan's housing target for the Borough, flood risk, the effect on Habitats Sites, and the effect on air quality? Are any main modifications necessary for soundness?