

Q 2.1

1. We submit that the conclusion is not reasonable, and not justified by any evidence in the SA Addendum.¹
2. The aims stated by Clearlead (the Council's consultants) for the SA process as a whole include "*Predicting the effects of the plan and its alternatives*" and "*Evaluating the effects of the plan and its alternatives*".² A Sustainability Appraisal is required to include an environmental assessment, and under the applicable regulations, "effects on the environment" include not only effects such as carbon emissions but also effects on cultural heritage and landscape.³ We submit that Clearlead have not made any realistic attempt to predict such effects, let alone evaluate them.

Clearlead's baseline information

3. The SA (including the Addendum) is a desktop study undertaken by consultants on an industrial estate in Devon.⁴ They know nothing about the townscape of Waltham Forest, other than lists of statutory listed buildings, locally listed buildings, conservation areas and archaeological priority areas.⁵ Therefore, they can know nothing about the characteristic Victorian townscape of Leyton, Leytonstone and Walthamstow, with 3-storey terraces ("parades") along the main streets and 2-storey terraced housing elsewhere, and with the schools and churches (and most pubs) standing out above the housing. Despite the wording included in the "key sustainability issues" under SA16⁶ and SA17⁷, Clearlead can have nothing to say about the value residents place on this townscape.
4. Again, Clearlead know nothing about the Borough's open spaces apart from statutory designations and a list of "principal parks".⁸ Clearlead recognise that views matter,⁹ but it appears that they used only a short list of vantage points¹⁰ and a land use map from

¹ In this response, reference in the form "(X.X)" are to the paragraphs in the SA Addendum.

² (2.1), page 2, figure 1, stages B3 and B4.

³ Environmental Assessment of Plans and Programmes Regulations 2004, Schedule 2 para 6 (k) – (m).

⁴ SA Report (28.4.21) page 15.

⁵ SA Report (28.4.21) 5.8.1, see also the baseline information presented in Appendix B (28.4.21) pages 34-37.

⁶ (2.1), page 7, SA16, 1st bullet and second sentence of 2nd bullet.

⁷ (2.1), page 7, SA17, 4th and 5th bullets.

⁸ SA Report (28.4.21) 5.14.1; Appendix B (28.4.21) pages 53-57 does also mention the existence of a total of 223 open spaces over 0.4ha, including "numerous sports pitches" and "a number of allotments".

⁹ SA Report (28.4.21) 5.14.1

¹⁰ *Ibid.*

2021.¹¹ In particular, it does not appear that Clearland have even looked at photographs of the major open spaces in the Lea Valley and on Epping Forest land, or even photographs of the views which they mention.

5. Clearlead state at the beginning of the SA Addendum, under the heading “*Limitations*”

“It should be noted that any recommendations identified in this report are based on information provided by the Client and as gathered during the site survey.”

Since this is a desktop study, Clearlead are relying entirely on whatever information the Council chose to give them.

Where do the “key sustainability issues” come from, and is the SA Addendum a real “test” of the options?

6. Some of the issues stated¹² have no relevance to actual conditions in Waltham Forest, For instance, Clearlead say that there is a need “*to ensure that hospital have fit for purpose facilities (i.e. less converted houses)*”.¹³ Whipps Cross (the only hospital in the Borough) has issues with its buildings, but they are purpose-built buildings and there are no converted houses.
7. Other “key issues” seem to be copied over from the policies of the Council (Clearlead’s client) in a way which does not bode well for any sort of independent appraisal. For instance, Clearlead say there is a need to create places to live “*that are mixed . . . in terms of tenure and income*”.¹⁴ It may or may not be correct that it is better to provide such mixed developments rather than building unmixed social housing in one place and large mansions for millionaires in another place, but consultants who are engaged to carry out an independent appraisal should not simply assume this. (Other examples are “*Need to encourage a more flexible approach to affordable housing contributions . . .*”¹⁵ and the assumption that the Council’s “Mini Holland” programme, about which the opinions of residents have been strongly divided, is a Good Thing.¹⁶)
8. Also, Clearlead say, for example, that the Council “*will be ensuring*”¹⁷ when it might be more proper to say that the Council says that it will attempt to ensure.
9. This is not an appraisal which “*tests the evidence underpinning the plan*”.¹⁸

¹¹ SA Report (28.4.21) 5.14.4.

¹² (2.1), table 1

¹³ (2.1) page 4, SA3 5th bullet [our emphasis].

¹⁴ (2.1) page 3, SA1 3rd bullet, repeated page 4, SA4 5th bullet.

¹⁵ (2.1) page 3, SA1 11th bullet.

¹⁶ (2.1) page 4, SA5 4th bullet.

¹⁷ Non-Technical Summary (28.4.21), page 31.

¹⁸ Quoting from the guidance at <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>, para 1.

The SA Addendum's content

10. Large parts of the SA Addendum – for example, (3.2) apart from the last two sentences, and (3.5) – are taken up with a history of the Local Plan, perhaps intended to defend the Council and/or Clearlead itself against criticism for not having considered the London Plan housing target as an option previously). We invite the Inspectors to disregard these passages. When they are stripped out, the SA Addendum is a remarkably short document.

The SA Addendum's conclusions

11. The SA Addendum finds no significant difference between Option 1 (the Council's proposed higher housing target) and Option 2 (the London Plan target) other than in respect of housing delivery (SA1) and flood risk (SA11). We submit that these conclusions with regard to SA1 and the objectives other than SA1 and SA11, are not the results of a genuine appraisal but of defects in Clearlead's methodology.
12. We will deal with flood risk, and the choice of sites, elsewhere. However, there is a point which does not appear to be stated openly but can be detected in what is said with regard to flood risk.¹⁹ Clearlead appear to assume that if the lower housing target is adopted, then buildings of the same type will be built on fewer sites (presumably eliminating the sites in Flood Zone 3 and most of the Flood Zone 2 sites) rather than smaller/lower buildings being built on more sites. We have seen no reasoning in support of this assumption.

The comments on SA1 in SA Addendum Appendix A

13. It is clear from Appendix A that Clearlead have simply observed that the higher housing target would deliver more dwellings. They say that Option 1 “addresses key sustainability issues”, but (in relation to specific issues listed by Clearlead under SA1²⁰) they do not consider whether more housing units, which would entail more and higher tower blocks, would increase the cost of each unit, or would make the provision of housing for social rent and other genuinely affordable housing more difficult, or would affect the health of residents adversely.²¹

The other objectives

14. Not having space to comment on every objective, we will concentrate on SA7-8 and SA15-17.
15. Clearlead's comments in Appendix A against SA7 and SA8 simply assume that Policies 87-89 will be effective in mitigating the effects of the number and heights of the tall buildings required by the higher housing target. With regard to energy consumption in use, there is no consideration of (for instance) whether higher buildings will require air conditioning in summer, while in lower buildings such as mansion flats it might be safe and satisfactory to open the windows and get a through

¹⁹ (3.3), page 13.

²⁰ (2.1), Table 1, page 3.

²¹ In SA Addendum Appendix A, table for Option 2, against SA3 (health) and SA4 (which includes “meeting recreational and social needs”, Clearlead simply say without any reasoning at all that “the option neither supports nor detracts from the achievement of the SA objective”. They give no consideration to whether tower blocks are good for the health of residents or suitable for the elderly and those with small children.

draft. With regard to carbon emissions there is no discussion of whether, as has been argued,²² the whole life carbon (“WLC”)²³ emissions of tower blocks are greater than those of lower buildings.

16. As regards SA15 “*maintain and enhance the quality of the Green Belt and other open spaces*”, despite that wording it is noticeable that in the “key sustainability issues” for SA15 Clearlead speak of “*protecting open space*” in the sense of not allowing development on this space, but do not speak about protecting the value of this space in the sense of protecting what people value in the Green Belt and Metropolitan Open Land (as distinct from parks), which will include the setting of the open space, such as avoiding a sense of being enclosed by buildings.²⁴ When such considerations are let in, it is clear that Option 1 inevitably requires more tall buildings, and tall buildings in what Clearlead call (4.3) “*the identified locations which would deliver the growth of the LP1*” will detract from the value of the Lower Lea Valley by building what will be practically a fence of tall buildings down the East side of the open land,²⁵ will require skyscrapers at Whipps Cross and the former Leytonstone House Hospital which will intrude on the skyline of the Epping Forest land of Leyton Flats and will have tall buildings at sites down the Leytonstone High Road which will affect the Epping Forest land of Wanstead Flats.
17. SA16 is “*Maintain and enhance local distinctiveness*” and its “key sustainability issues” include “*a strong sense of place*”, “*using streetscapes and buildings to create attractive places*” and “*conserving local character and history*”.²⁶ Clearlead say in Appendix A that Option 1 “*neither supports nor detracts from the achievement of the SA objective*”. They assume that the wording of Policy 56 and other policies will be effective to “*ensure that new development protects and enhances local distinctiveness*”. But Option 1 inevitably requires more tall buildings on sites such as those identified in LP2, and the tower blocks proposed in LP2 would loom over town centres such as Leyton Town Centre, Bakers Arms and Leytonstone Town Centre.²⁷ In terms of how Clearlead define negative effects²⁸ the tower blocks required by Option 1 would certainly be “*out of scale with the location*” and we submit they would be “*at considerable variance to the location, degrading the integrity of the receptor*” [that is, as we understand, the integrity of the existing historic character of the town centre in question]. We also draw attention to what the Secretary of State says in his letter to MP’s of 5.12.2022:

²² By Professor Philip Steadman of University College London.

²³ Compare the London Plan 2021, policy SI 2 F, page 343, with paragraph 9.2.11, pages 345-346, and the guidance at https://www.london.gov.uk/sites/default/files/lpg_-_wlca_guidance.pdf.

²⁴ Compare SA Report (28.4.21) page 29 “*Help people to connect with nature*”.

²⁵ Compare SA Report (28.4.21) page 29 “*Protect Lea Valley Park from development which would not have a positive effect on the Park, including those outside of the Park boundaries*”.

²⁶ (2.1), Table 1, page 7.

²⁷ We may draw attention to the logo of the Bushwood Area Residents Association at <http://www.bara.london/> which demonstrates how local people identify the distinctive character of Leytonstone Town Centre.

²⁸ (2.1), Table 2, page 10.

“developments . . . which would lead to a significant change of character, for example, new blocks of high-rise flats which are entirely inappropriate in a low-rise neighbourhood.”²⁹

18. With regard to SA17, which refers to the historic built environment such as listed buildings and conservation areas, one “key sustainability issue” is that as well as preserving conservation areas and heritage assets, *“new developments should respect the urban and historic context”*.³⁰ In Appendix A Clearlead “predict” for Option 1 a neutral effect in relation to this objective, saying that Policies 72-78 will mitigate and minimise potential negative effects of development. They do not consider that in Waltham Forest development on the scale involved in Option 1 will inevitably have the sort of effects which the proposals in LP2 would have. The Council’s sites for redevelopment include Chingford Assembly Hall where a tall building is proposed within a conservation area which would be completely out of character with the area.³¹ The sites also include historic buildings such as the former Hall of the Bethnal Green Industrial Schools (included within the “Tesco Leytonstone” site), which is an interesting Victorian building.³² Clearlead also do not consider that the tower blocks proposed would loom over listed buildings such as the Georgian Leytonstone House and the Arts and Crafts south front of St John’s Church Leytonstone.
19. We must emphasise that here we are not trying to debate the merits or otherwise of what is proposed for individual sites. The first point we are making is that Clearlead do not even consider whether achieving a high housing target in a Borough where as Clearlead say (3.6) *“the developable area is highly constrained”*³³ will inevitably involve the sorts of consequences which we have set out in paragraphs 16-18 above (and we also submit that it would inevitably have such consequences). A secondary point is that Clearlead could have informed themselves about what (to put it at its lowest) the possible consequences of Option 1 might be, by looking at LP2 (and in particular, by looking at the Skyline Studies, which were available well before Clearlead wrote the SA Addendum).
20. Instead, Clearlead appear simply to consider the wording of the other policies in LP1, and do not consider whether, given what is proposed under Option 1, these other policies will be effective, or indeed can be effective within the confined space of the Borough.
21. Also, as we have argued in paragraphs 3 and 4 above, Clearlead know nothing of what residents value in the townscapes and landscapes of the Borough. With regard to the settings of heritage assets (etc) we suspect that, despite Clearlead’s words in terms of the urban and historic context, and in terms of *“out of scale”* and *“at*

²⁹ We submit that if the Secretary of State responsible for the planning system has stated that a thing is *“entirely inappropriate”*, then Planning Inspectors appointed on behalf of the Secretary of State should accept that avoiding that thing is an important consideration.

³⁰ (2.1), Table 1, page 7.

³¹ It would also be very close to Carbis Cottage, which is listed Grade II, and on the edge of the green around Sts Peter and Paul Church, which is listed Grade II*.

³² *“The imposing HALL of the industrial schools, with good timber roof”*, Bridget Cherry, Charles O’Brien and Nikolaus Pevsner *The Buildings of England: London 5, East* (New Haven: Yale University Press, 2005), page 740. The Hall has curtilage protection under the statutory listing of Leytonstone House.

³³ Waltham Forest is, in effect, a strip between the Metropolitan Open Land of the Lower Lea Valley and the specially protected land of Epping Forest.

*considerable variance to the location*³⁴ in reality Clearlead are not considering the settings of Conservation Areas and heritage assets. In the last bullet under SA17³⁵ Clearlead speak of development encroaching on Conservation Areas, as if what mattered was only whether development takes place in Conservation Areas. (In this bullet the writer does not understand “*subsequently negatively affect*” but if, as seems likely, “*subsequently*” was intended to be “*consequently*” it seems that Clearlead are only considering negative effects on townscape which would result from development within conservation areas.)

Conclusion on Q2.1

22. We will speak elsewhere about how the balance should be struck between the goal of a higher number of dwellings and all these other considerations. Our answer to Question 2.1 is that Clearlead’s conclusions can give the Inspectors no assistance in striking this balance. Clearlead’s methodology means that Clearlead simply cannot see the other considerations which are in play. That Clearlead have not been following a proper method is also confirmed by the point that in their Sustainability Assessment of April 2021 Clearlead found no significant negative effects from the Council’s proposed housing target of 1800 new dwellings per year over 15 years.³⁶ (Many residents would also find it extraordinary that Clearlead identified a significant positive cumulative effect from the North London Waste Authority’s proposed new incinerator.³⁷)
23. To the extent that a sustainability appraisal is a legal requirement, the exercise required has not been carried out in any meaningful way. We respectfully call upon the Inspectors to require a fresh sustainability appraisal, to be carried out by persons who will take the time to acquaint themselves with Waltham Forest, so as to be aware of what is valuable in its landscapes and townscapes, and so as to be able to predict in a realistic way the effects of options with regard to housing targets within this “*highly constrained*” area.
24. If there is to be a fresh sustainability appraisal, we would suggest that it should also consider the number of dwellings which could be built in accordance with a “bottom-up” approach which treats possibilities of development as limited by what is required to preserve landscape and townscape and the settings of listed buildings and Conservation Areas. This would be in accordance with the approach suggested in the Secretary of State’s letter of 5.12.2022, particularly on the second page. (Of course in March 2022 the Inspectors must apply the NPPF as it stands in March 2022; but if the Inspectors have to return to the issues at a later date, the changes outlined in the Secretary of State’s letter may well have come into effect by then.)

³⁴ Compare also (28.4.21) SA Report page 41 “*The main purpose of Conservation Areas is to preserve or enhance areas . . . **and their settings***” [our emphasis].

³⁵ (2.1), Table 2, page 7.

³⁶ Non-Technical Summary (28.4.21), page 23.

³⁷ Non-Technical Summary (28.4.21), page 29.