

GREATER LONDON AUTHORITY

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Our reference: LDF31/LDD17/LP04/E04/HA01
Date: 19 September 2023

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Dear Sarah

Re: Local Plan Part 1 Proposed Main Modifications Consultation

Thank you for consulting the Mayor of London on the proposed Main Modifications to the London Borough of Waltham Forest's (LBWF's) Draft Local Plan following the examination hearing sessions. As you are aware, all development plan documents must be in general conformity with the London Plan 2021 (LP2021) under section 24 (1)(b) of the Planning and Compulsory Purchase Act 2004. The LP2021 was formally published on the 2 March 2021, and now forms part of LBWF's Development Plan and contains the most up-to-date policies. The Mayor already provided comments on the Regulation 18 consultation documents on 27 September 2019 (Ref: LDD31/LDD17/HA01), the Regulation 19 consultation documents on 14 December 2020 (Ref: LDF31/LDD17/LP02/HA01), in a statement for the Stage 1 hearings on 12 January 2022 (Ref: LDF31/LDD17/LP05/HA01) and in a statement for the Stage 2 hearings on 23 January 2023 (Ref: LDF31/LDD17/LP04/E02/HA01).

Mayor of London Statement

The Mayor has welcomed the collaborative working with LBWF officers on a Statement of Common Ground (SCG) (LPE27¹) which was agreed between both parties on 21 March 2022, during the Stage 1 examination hearings. Within the SCG are proposed amendments which resolve all the issues raised earlier by the Mayor relating to tall buildings and the borough's proposed approach to industrial land.

Subsequently, on 8 August 2022 LBWF officers requested the Mayor's opinion on the general conformity of the Local Plan (LP1). The Mayor responded on 2 September 2022 making it clear that, as submitted, the draft Local Plan (LP1) is not considered to be in general conformity with the LP2021. However, the proposed modifications contained in the SCG agreed with the GLA

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

would resolve all the issues raised in the Mayor’s written statement and it is his opinion that if implemented they would bring the draft Plan into general conformity with the LP2021.

The proposed main modifications set out in this consultation contain many of those agreed in the SCG while others have not. For that reason, the Mayor is seeking a small number of additional modifications to provide further clarity where he considers it necessary. These are discussed in turn and in more detail in the table below.

Schedule of Proposed Main Modifications

Ref	Policy / Paragraph	Comment
MM27	8.6	The proposed amendments are clear and welcomed. However, the LP2021 housing target period begins in 2019 and LBWF’s Plan period begins in 2020. The period from 2019/20 to 2020/21 should also be accounted for. If LBWF underdelivered on their housing numbers for that period, it should be made up in the remaining period up to 2028/29. LBWF are proposing to exceed their LP2021 housing target and doing so should absorb any earlier shortfall if that is the case. However, clarity on this point would be welcomed.
MM29	Figure 8.1	As above – the figure illustrating the Local Plan housing trajectory could also include the period 2019/20 to accommodate the whole of the LP2021 target period.
MM44	Policy 23	The proposed amendment provides clarity on the number of required Gypsy and Traveller pitches and this is welcomed. LBWF intend to meet the need for nine additional pitches (which goes beyond the present national definition) at two existing sites in the borough. A commitment from LBWF in the policy, or in a footnote, to establish that the sites are indeed capable of meeting need at these two sites in the forthcoming Site Allocations DPD (LP2) would be welcome.
Omission	Paragraph 9.7	<p>A proposed modification was agreed between the Mayor and LBWF officers in the SCG mentioned earlier. The proposed modification was to include a sentence at the end of paragraph 9.7 stating –</p> <p><u>This need is to be considered alongside any additional need for SIL capacity brought about by the proposed reconfiguration of Blackhorse Lane SIL.</u></p> <p>While we consider that this precise sentence may no longer be necessary, we note that the reconfiguration of Blackhorse Lane SIL will involve the re-provision of SIL in Corktree Retail Park. It would be useful if LBWF were to include a new sentence or a footnote here stating that the site allocation for Corktree Retail Park in LP2 will illustrate how it will compensate for the loss of SIL as a result of the reconfiguration of Blackhorse Lane SIL. Doing so would give the Mayor reassurance and a commitment from LBWF that this will be taken into consideration as part of the preparation of LP2.</p>
MM47	Policy 25	The Mayor agreed proposed modifications with LBWF officers through the SCG in relation to Policy 25 of the draft Plan. We note that some of

		<p>the agreed modifications to Policy 25 have been incorporated but some elements have not.</p> <p>The elements taken directly from the SCG which were agreed but have not been included as modifications to Policy 25 are as follows:</p> <p><u>E) Plans for the reconfiguration of SIL across the borough will be captured in LP2, to comprise a framework for managing change in the borough’s industrial areas which will include meeting identified need and the reprovision of the SIL capacity brought about as a result of the proposed reconfiguration of Blackhorse Lane SIL¹.</u></p> <p><u>Footnote 1. The proposed reconfiguration of Blackhorse Lane SIL involves delivering an increase in total industrial floorspace in this location and redesignating the central and southern subareas of the site as LSIS as part of the masterplan proposal. In order to maintain SIL capacity it is proposed to designate Cork Tree Retail Park as SIL and to demonstrate its viability/deliverability through LP2. This represents a specifically agreed situation in which SIL release will occur ahead of its reprovision. The redesignation of part of the SIL at Blackhorse Lane to LSIS will be reflected in LP2 – Site Allocations, including figures for reprovision of the overall amount of floorspace and of SIL capacity, when these are finalised through the agreement of the masterplan. The exact boundary will be defined in the masterplan and adopted in LP2.</u></p> <p>While we consider that these precise modifications may no longer be necessary, we note that the reconfiguration of Blackhorse Lane SIL will involve the reprovision of SIL in Corktree Retail Park. It would be useful if LBWF were to include a new sentence or a footnote here stating that the site allocation for Corktree Retail Park in LP2 will illustrate how it will compensate for the loss of SIL as a result of the reconfiguration of Blackhorse Lane SIL. Doing so would give the Mayor reassurance and a commitment that LBWF will take this into consideration as part of the preparation of LP2.</p>
MM48	New paragraphs to follow paragraph 9.9	All of these proposed paragraphs were agreed between the Mayor and LBWF as part of the SCG and their inclusion is noted and welcomed.
MM49	Figure 9.1	The inclusion of Figure 9.1 was agreed between the Mayor and LBWF officers as a result of the agreed SCG and this is noted and welcomed.
MM54	Policy 29	Many of the proposed modifications were agreed through the SCG and this is noted and welcomed.
MM55	Paragraph 9.17	The Mayor welcomes the proposed inclusion of the reference to paragraph 6.7.5 of the LP2021.
MM56	Policy 30	The proposed amendments to Policy 30 do not reflect the exact modifications as a result of the agreed SCG between the GLA and

		<p>LBWF. However, most of the proposed amendments do address our concerns and for that reason are considered to be positive and are welcomed. However, one new element raises concerns and states that “Following the agreement of a two-stage masterplan with the Council and the GLA, any resultant boundary changes to relevant industrial designations are required to be reflected in the next Development Plan Document to be prepared.” The Mayor welcomes the commitment from LBWF to work with the GLA on the two-stage approach to industrial masterplans as set out in the Mayor’s practice note on industrial intensification and co-location through plan-led and masterplan approaches². London Plan Policy E5(B)4 states that SIL release must be adopted as policy in a Development Plan and cannot be done through a masterplan process alone and this should be recognised. Ideally masterplans should be produced alongside Local Plans.</p> <p>Part D of the proposed modifications to Policy 30 states that “Masterplans will be required to...Achieve industrial intensification ahead of delivering any non-industrial uses, taking an ‘industrial first’ approach to phasing”. This is generally welcomed but a cross reference to Policy 25 parts A and C here would be useful as it gives an indication where different types of industrial activities should be located. Also, further explanation about the approach would be welcomed in the supporting text. The correct approach should seek to avoid situations where SIL capacity is replaced by LSIS capacity but also one which aims to meet the established need to deliver 36,600sqm of storage and distribution floorspace as set out in Appendix 3 (targets associated with Policy 25 of the draft Plan). In light of these comments and to address these concerns additional modifications would be welcomed.</p>
MM57		<p>The sentence which states that “The aim of the comprehensive approach to intensification and consolidation is to ensure that there is a net gain in employment floorspace to meet the overall need...” The Mayor would welcome the replacement of employment in this sentence with ‘employment floorspace, including specific industrial capacity,...’. A cross reference to the targets set out in Appendix 3 (page 298) would be welcomed too. This makes it clear that out of the requirement for 52,000sqm of employment need over the Plan period, 36,600sqm of it is for B8 type industrial uses.</p>
MM58	Paragraph 9.23	<p>The proposed modification states that – “Following the development of a masterplan which is agreed by the Council and the GLA, any boundary changes which are proposed to individual designations are required to be reflected in the subsequent Development Plan Document to be prepared.”</p> <p>See our comments for MM56.</p>
MM116	Policy 57	<p>The proposed modification introduces a paragraph into the Policy that states “In other very limited circumstances, a tall building may be supported on a site outside of those sites identified on Figure XX but</p>

² https://www.london.gov.uk/sites/default/files/practice_note_-_industrial_intensification.pdf

	<p>only where a Tall Buildings Assessment (which has been undertaken and endorsed by the Council prior to the determination of a relevant planning application) demonstrates that...”</p> <p>This approach introduces the concept of an exception into the overall policy. Policy D9 is not a gateway policy, and non-compliance with Policy D9(B) needs to be considered in the context of the development plan taken as a whole and any other material considerations. Policies should not include additional unspecified exceptions which create ambiguity in the determination of planning applications.</p> <p>Proposed modifications to Policy 57 which address this issue were agreed between the Mayor and LBWF in the SCG and have not been included here. The Mayor had objected to this approach earlier in his written statement for the Stage 1 examination hearings³ and it applies here once more.</p> <p>As currently proposed, LBWF’s proposed approach to tall buildings as set out in this consultation is a significant divergence from Policy D9 that it is considered not to be in general conformity with the LP2021.</p> <p>The Mayor stated in his written statement ahead of the Stage 2 hearings that “...if the proposed modifications within the SCG in relation to tall buildings are implemented then consequently the approach to tall buildings and building heights would be considered to be in general conformity with LP2021 Policy D9. “</p> <p>In this respect if LBWF were to incorporate an additional modification from the SCG as set out below in red this would resolve the issue.</p> <p>If reintroduced the part C of the Policy would read –</p> <p>“In other very limited circumstances, a tall building may be supported on a site outside of those sites identified on Figure XX but only where a Tall Buildings Assessment (which has been undertaken and endorsed by the Council prior to the determination of a relevant planning application) demonstrates that:</p> <ul style="list-style-type: none"> i. The site is located within a Strategic Location; ii. The site benefits from good local public transport connectivity; iii. The site is appropriate for a ‘Transition’ or ‘Transformation’ approach to character-led intensification; iv. All relevant policy tests have been undertaken and assessed against appropriate contextual analysis and a robust place making strategy; <p>and</p> <ul style="list-style-type: none"> v. A tall building(s) on the site would be able to fully satisfy all policy requirements and deliver exemplar design, having regard to the considerations below (including Visual
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³ <https://www.walthamforest.gov.uk/sites/default/files/2023-01/Greater%20London%20Authority%20AA.pdf>

		<p>Such sites will be identified in Local Plan 2 (Site Allocations) and/or other subsequent Development Plan Documents “</p> <p>This additional modification would effectively resolve the issue and the Mayor would withdraw this general conformity objection.</p> <p>LBWF officers have recently confirmed via email that this sentence was the result of an error and they will include this additional modification in the final version of the Local Plan which would result in the Mayor withdrawing his general conformity objection in relation to this point.</p>
MM119	New paragraphs	One of the new paragraphs introduces undefined policy exceptions for tall building development outside of the areas defined in accordance with Policy D9 and which have not been rigorously consulted on and tested through examination. As noted above with respect to MM116 a modification should be added to the third paragraph making it clear that additional tall building locations will be identified in Local Plan 2 and/or other subsequent Development Plan Documents.
MM120	New Policy	The proposed modification diverges from what was agreed between LBWF and GLA officers and set out in the SCG. Of particular significance is the omission in the table in part A of the policy to several references to Local Plan 2 (Site Allocations). Policy 57 part B makes it clear that appropriate building heights will be provided for tall buildings over 18 storeys in the emerging Local Plan 2 document and it would be useful for readers if the reference was included in this table too. This could be done as a footnote reference.
MM196	Table 5.2	The Mayor welcomes the intention to monitor industrial capacity in terms of net industrial floorspace and separately in terms of Strategic Industrial Land versus Locally Significant Industrial Locations. The proposal to monitor industrial capacity in terms of B8, B2 and light industrial uses generally will be very useful for LBWF officers in order to effectively plan, manage and monitor industrial capacity within the borough in line with Policy E4 of the LP2021.

Proposed changes to Submission Policies Map

Ref	Policy / Paragraph	Comment
	Figure 4	<p>The Mayor welcomes the intention to clearly illustrate the reconfiguration of the borough’s SIL boundaries as a result of the Local Plan. This includes the reduction of SIL at Blackhorse Lane and the addition of new SIL at Cork Tree Retail Park.</p> <p>Any further changes to industrial designations, especially in relation to SIL should be reflected in the forthcoming LP2 Site Allocations document.</p>

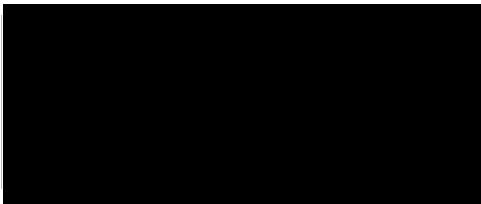
GLA and LBWF officers recently met (Monday 11th September 2023) to discuss elements raised in this letter. LBWF officers have since made it clear that the SCG omission of a sentence in relation to MM116 was done in error. LBWF officers have confirmed via email that they will

include this additional modification in the final version of the Local Plan according to our comment set out in relation to MM116 in the table above. As such this resolves the Mayor's general conformity objection in relation to that point.

To be clear, the Mayor considers that with the inclusion of the GLA's proposed additional modification to MM116 into the draft Plan it would be in general conformity with the LP2021. Notwithstanding, the Mayor has made further suggestions in the table above which would bring the draft Plan into closer alignment with the LP2021.

I hope these comments help to positively inform the ongoing preparation of LBWF's Draft Local Plan. If you have any specific questions regarding the comments in this letter, please do not hesitate to contact Hassan Ahmed hassan.ahmed@london.gov.uk.

Yours sincerely



Lisa Fairmaner

Head of the London Plan and Growth Strategies

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