

## London Borough of Waltham Forest

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Report Title	Adoption of the Waltham Forest Local Plan (Part 1)
Meeting / Date	Special Meeting of the Council, 29/02/2024
Directorate	Place
Report author/ Contact details	Sarah Parsons, Assistant Director – Place and Design Place Sarah.parsons@walthamforest.gov.uk
Wards affected	All
Public access	Open
Appendices	Appendix 1 – Local Plan Part 1 Appendix 2 – Inspectors’ Final Report Appendix 3 – Main Modifications Schedule Appendix 4 – Additional Modifications Schedule Appendix 5 - Final Policies Map Appendix 6 – Draft Adoption Statement Appendix 7 – Draft Sustainability Appraisal Adoption Statement Appendix 8 – Local Development Scheme (LDS) Appendix 9 – Equality Impact Assessment

1. Summary
  - 1.1. The Waltham Forest Local Plan (Part 1) (“the Plan”) sets out a spatial vision, strategic objectives and a planning policy framework for development in the Borough until 2035. It positively plans for inclusive and sustainable growth, including infrastructure requirements, to proactively meet the needs of the borough’s communities and will be used to determine all planning applications submitted to the Council.
  - 1.2. The Plan goes as far as possible to meet the number of new homes that local evidence shows the borough needs, whilst also securing high quality exemplar design, protecting and enhancing the character of local areas, providing new and improved green spaces and public realm for all residents, responding to the climate emergency, improving air quality, significantly reducing surface water flood risk, creating safer spaces, reducing fear of crime, maximising the number of local jobs and employment space, and delivering a whole range of community

infrastructure, including health facilities, a new hospital, public transport/station improvements, facilities for young people and new cultural amenities.

- 1.3. Subject to adoption, the Plan will provide an inclusive growth framework that will reduce inequalities and deliver benefits for all communities across the borough - including those who share the characteristics protected by the Equality Act 2010. The equalities impacts of the Plan have been fully assessed and are set out in the Equalities Impact Assessment at Appendix 9.
- 1.4. The inclusive growth set out in the Plan will directly deliver the investment needed to create a fairer and more equal borough with improved life chances for all. These benefits are far reaching, ranging from delivering new, high quality, affordable homes and fit for purpose workspace, through investing in accessible local jobs and skills and delivering new health and education facilities, to improving air quality and creating new and improved, fully accessible green open spaces.
- 1.5. All new development coming forward under the new Local Plan would be expected to meet the Council's innovative Exemplar Design standards. These seek to achieve the highest quality design that has a lasting and positive legacy for all residents and communities. The appearance of a building or open space is key to this, but Exemplar Design also requires appearance to be considered alongside the interrelated principles below:
  - Human value – community safety, comfort, health, privacy, access for all;
  - Social value – local character, connectivity, inclusivity for all, equitable distribution of the benefits of planned growth;
  - Environmental value – net zero carbon, trees and biodiversity, improving air quality, reducing the risk of surface water flooding; and
  - Financial value – affordability, high quality workspace and good jobs, whole life cost, resource efficiency, value creation.
- 1.6. The Plan has been through an extensive preparation process, in line with statutory requirements. This included the preparation of an extensive local evidence base and Infrastructure Delivery Plan, multiple public consultation exercises and ongoing engagement with statutory bodies and neighbouring authorities. The Plan was submitted to the Secretary of State for independent examination in April 2021.
- 1.7. The subsequent examination, overseen by independent planning inspectors appointed by the Secretary of State included public hearings in March 2022 and March 2023. Throughout the process, and on the request of the Council, the Inspectors recommended a number of Main Modifications to be made to the Plan in order to make it sound and legally compliant. Consultation on the draft Main Modifications took place from July to September 2023, and the final schedule of Main Modifications, as issued with the Inspectors' Report, can be found in Appendix 3.

- 1.8. The Inspectors' Final Report was received on 8th January 2024, and can be found at Appendix 2. The report concludes that, subject to the Main Modifications, the Plan is sound and legally compliant and that it provides an appropriate basis for the planning of the borough. As such, it is now recommended that the Plan is formally adopted to ensure the Council has a robust and up-to-date spatial planning policy framework.
- 1.9. This report therefore recommends the Plan for adoption by the Council.

## 2. Recommendation

### 2.1. Council is recommended to:

- 2.1.1. Note the content of the Inspectors' Final Report into the soundness of the Waltham Forest Local Plan (Part 1) (LP1) (Appendix 2), including their conclusion that subject to Main Modifications (Appendix 3), the Plan is sound, legally compliant and capable of adoption and satisfies the requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.1.2. Adopt the Waltham Forest Local Plan (Part 1) (LP1) (Appendix 1) in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended), which includes:
  - (a) The Main Modifications to the submission version of the Local Plan, as recommended in the Inspectors' Final Report and set out in Appendix 3; and
  - (b) The additional modifications proposed by Officers, as set out in Appendix 4;
- 2.1.3. From 12th April 2024 (the expiry of the statutory six week legal challenge period), revoke the Council's current adopted Core Strategy (2012), the Waltham Forest Development Management Policies (2013), the Walthamstow Town Centre Area Action Plan (2014) and the Blackhorse Lane Area Action Plan (2015) provided that no challenge has been lodged during the six week period;
- 2.1.4. Authorise the Corporate Director – Regeneration, Planning & Delivery to make further typographical amendments necessary to the Plan prior to its adoption;
- 2.1.5. Authorise the Corporate Director – Regeneration, Planning & Delivery, in consultation with the Lead Member for Housing and Regeneration, to finalise and publish an Adoption Statement (draft at Appendix 6) and Sustainability Appraisal Adoption Statement (draft at Appendix 7) in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- 2.1.6. Authorise the Corporate Director – Regeneration, Planning & Delivery, in consultation with the Lead Member for Housing and Regeneration, to finalise and publish an updated Policies Map, reflecting the adopted Plan, including Main Modifications set out in Appendix 3;
- 2.1.7. From 12<sup>th</sup> April 2024 (the expiry of the statutory six week legal challenge period) revoke the superseded Supplementary Planning

Documents listed in paragraph 3.32 of this report provided that no challenge has been lodged during the six weeks; and

- 2.1.8. Approve the Waltham Forest Local Development Scheme (LDS) at Appendix 8 to take effect immediately.

### 3. Background

- 3.1. It is a statutory requirement that local planning authorities (“LPA”) have an up-to-date Local Plan. Waltham Forest has therefore prepared a new Local Plan to replace the existing Core Strategy (2012) and Development Management Policies (2013), and to set the borough’s inclusive planning objectives until 2035.
- 3.2. Waltham Forest is preparing its new Local Plan in two parts. Part 1, the subject of this report, sets out the borough-wide spatial strategy and planning policies to deliver the inclusive and sustainable growth the borough needs until 2035. This will be complemented by Part 2, a Site Allocations document, which will identify the key and strategic sites across the borough where it is anticipated inclusive growth will be delivered. Part 2 will establish key deliverables and expectations for these "site allocations" to ensure that the right development, of the highest quality, is delivered in the right places. Part 2 is subject to a different programme and is not subject of this report.
- 3.3. Through the extensive and detailed examination process, it has been demonstrated that the Plan goes as far as possible to meet the need for new homes in the borough, whilst also securing high quality exemplar design, protecting and enhancing the character of local areas, providing new and improved green spaces and public realm for all residents, responding to the climate emergency, improving air quality, significantly reducing surface water flood risk, creating safer spaces, reducing fear of crime, maximising the number of local jobs and employment space, and delivering a whole range of community infrastructure, including health facilities, a new hospital, public transport/station improvements, facilities for young people and new cultural amenities.

#### The Plan-Making Process

- 3.4. There are three distinct and sequential stages in the statutory plan-making process under Part 2 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”). These are:
  - (a) The preparation stage, which ends when the LPA submits the Local Plan to the Secretary of State for independent Examination;
  - (b) The Examination stage, where independent planning inspectors, appointed by the Secretary of State, ascertain whether the submitted plan is sound and legally compliant. This stage ends when the Inspectors deliver their final report to the LPA; and
  - (c) The adoption stage, when the LPA decides whether to accept the recommendation made by the Inspector in their final report.

### The Plan Preparation Stage

- 3.5. Plan preparation began with the collation of an extensive evidence base, (work on which continued throughout), engagement with Statutory bodies and neighbouring authorities and public consultation on a 'Direction of Travel' document (Regulation 18 - Issues and Options stage) in 2017. A full Draft Plan was then published for further consultation between July and September 2019. Taking into account consultation responses, a Submission Version of the plan was then prepared and consulted upon between November and December 2020. This submission version of the Plan was submitted to the Secretary of State in April 2021 along with copies of all representations received. All of the documents submitted to can be viewed on the [Council's website](#).
- 3.6. Throughout, the preparation of the Plan has been supported by the development of a detailed Infrastructure Delivery Plan and Infrastructure Delivery Schedule. The [Infrastructure Delivery Plan](#) establishes what infrastructure is needed to support the inclusive and sustainable growth the borough needs, and is prepared in partnership with all relevant infrastructure providers and other stakeholders, including the NHS. It is a 'live document' that is monitored and reviewed regularly. The [Infrastructure Delivery Schedule](#) sets out what specific infrastructure investment is required, where it is needed, and how it will be funded and delivered.

### The Examination Stage

- 3.7. Two planning inspectors were appointed by the Secretary of State to conduct the Examination in Public of the submission version of the Plan. The Council received the Inspectors' Preliminary Matters in June 2021, which were responded to in writing, and a two-week hearing session was held virtually in March 2022. Following this, the Inspectors wrote a follow up letter to the Council in May 2022, and a statement detailing further evidence that was required to progress the examination. The Council prepared and published a [Local Plan Topic Paper](#) and further supporting evidence for public consultation in the summer of 2022.
- 3.8. The Inspectors' responded to the further evidence in writing in January 2023 and a further one-week hearing session was held in person in March 2023. Following this, a schedule of Main Modifications to the Plan was recommended by the Inspectors and agreed by the Council. This was published for consultation from July to September 2023.
- 3.9. The Main Modifications are necessary to ensure that the plan is up-to-date, in line with current regional and national policy, and fully reflective of Council priorities. They do not alter the aims or objectives of the Plan's spatial vision or policies, but rather clarify and update technical matters and further strengthen the commitment to monitoring air quality and the delivery of new and improved green spaces. The vast majority of Local Plans that reach such an advanced stage require Main Modifications before they can be adopted. Recent examples across

London include the Hackney Local Plan in 2020, Havering's Local Plan in 2021, Brent's Local Plan in 2022, and Islington and Wandsworth's respective Local Plans in 2023. All these adopted Local Plans were subject to modifications agreed with the Planning Inspectors.

- 3.10. Alongside the Main Modifications, the Council published a schedule of Additional Modifications, comprising of minor corrections and factual updates. Additional Modifications are not subject to the formal examination process, but were published at that stage for full clarity and transparency. Further additional modifications have since been made, and the final schedule can be found at Appendix 4.
- 3.11. All of the documents related to the examination of the Plan can be viewed on the [Council's website](#).

#### Policies Map

- 3.12. The Council is required to maintain an adopted policies map which illustrates geographically the application of the policies in the adopted Local Plan. Throughout the preparation of the Plan the Council has consulted on the changes that will need to be made to this map. The final proposed policies map, which reflects the Main Modifications recommended by the Planning Inspectors, can be found at Appendix 5.
- 3.13. This report seeks authorisation for the Corporate Director of Regeneration, Planning & Delivery, in consultation with the Lead Member for Housing and Regeneration, to finalise and publish the new policies map.

#### Sustainability Appraisal

- 3.14. The Planning and Compulsory Purchase Act 2004 requires the Local Plan to be subject to a Sustainability Appraisal, which incorporates the requirements of the Strategic Environmental Assessment Directive. This ensures that Plans promote sustainable development and take into account potential effects on the environment.
- 3.15. Sustainability Appraisal Scoping was completed in September 2017 for the draft Local Plan and was updated between January and August 2020. This established the issues, indicators and objectives that would provide the framework for testing the sustainability of the Plan as it was prepared. The Submission version of the Local Plan was then subject to full Sustainability Appraisal, the report into which (dated April 2021) was submitted for examination. Following the preparation of further evidence in summer 2022, and at the Inspectors' request, an updated Sustainability Appraisal was carried out and consulted on in September 2022 prior to the Stage 2 hearings held in March 2023. A post hearings Main Modifications Sustainability Appraisal was then carried out and published in July 2023 to review whether the Main Modifications are likely to have significant effects on the sustainability objectives.

- 3.16. The final requirement of this process is to provide information when the Plan is adopted to show how the results of the Sustainability Appraisal have been taken into account. This is set out in a draft Sustainability Appraisal Adoption Statement, which can be found at Appendix 7. This report seeks authorisation for the Corporate Director of Regeneration Planning, in consultation with the Lead Member for Housing and Regeneration, to finalise and publish the draft Sustainability Appraisal Adoption Statement at Appendix 7.

#### The Inspectors' Final Report

- 3.17. The Inspectors issued their final report on 8th January 2024 (Appendix 2). The report concludes that the Plan provides an appropriate basis for the planning of the borough and is 'sound'<sup>1</sup> and legally compliant, provided that the agreed Main Modifications are made to it.
- 3.18. The Main Modifications all relate to matters that were discussed at the examination hearings and that have been subject to public consultation as set out above. The final schedule of Main Modifications can be found at Appendix 3, and is substantially the same as that published for consultation in July 2023, with the following minor exceptions:
- Changes to wording of Main Modifications 21 and 23 from "conserve or enhance" to "preserve or enhance" in line with national policy;
  - Changes to wording of Main Modifications 48 and 58 to avoid any conflict between maintaining Strategic Industrial Land capacity as a minimum whilst also delivering an uplift;
  - Correction to the paragraph number referred to in Main Modification 61;
  - Deletion of Main Modifications 74 and 114 for consistency with other chapters and the presentation of Strategic Objectives throughout the Plan;
  - Removal of the word "retail" from Main Modification 88 for consistency;
  - Additional sentences referencing Local Plan Part 2 added to Main Modifications 57 and 119 for general conformity with the London Plan; and
  - Changes to wording of Main Modifications 128, 134, 147, and 176 in response to representations from TfL, Historic England and the Environment Agency.
- 3.19. In summary, the final Main Modifications include:

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<sup>1</sup> As set out in paragraph 35 of the National Planning Policy Framework .

- Updates to housing land supply, the housing trajectory, and the stepped housing requirement to reflect up-to-date evidence relating to housing delivery;
  - Modifications to the employment policies to ensure that they are in general conformity with the London Plan and fully reflect the borough's strategic approach to securing and delivering the industrial capacity the borough needs (as agreed with the GLA);
  - Modifications to the policies for Tall Buildings and Building Heights for general conformity with the London Plan;
  - Amendments to policies for the natural environment to secure Biodiversity Net Gain and to ensure that all new residential development contributes to the Strategic Access Monitoring and Management Strategy for the protection of Epping Forest Special Area of Conservation, and to the delivery of Suitable Alternative Natural Greenspaces;
  - Additional monitoring targets to ensure that there is no adverse effect on the integrity of the Epping Forest Special Area of Conservation as a result of the Plan;
  - Policy amendments for managing flood risk to reflect further evidence collected and to ensure consistency with national policy; and
  - Amendments to other policies to ensure the effectiveness of the Plan and consistency with national policies.
- 3.20. As concluded in the Inspectors' Final Report, the Main Modifications are required to make the Plan sound. It cannot legally be adopted unless these changes are made. Accordingly, this report recommends to full Council the adoption of the Plan, including the Main Modifications set out at Appendix 3, and the additional modifications set out at Appendix 4.

#### Adoption Stage - Next Steps

- 3.21. The proposed adoption version of the Waltham Forest Local Plan (Part 1), incorporating the Main Modifications and additional modifications described above, can be found at Appendix 1.
- 3.22. Subject to adoption, this version of the Plan will be published on the Council's website and made available in the borough's libraries and at the Town Hall. From the date of adoption, the Plan will carry full weight in the determination of planning applications and will become part of the borough's development plan alongside the London Plan, the North London Waste Plan and the London Legacy Development Corporation (LLDC) Local Plan 2020-2036.
- 3.23. Upon adoption of the Plan, the Council is required to publish an Adoption Statement in accordance with regulations 17 and 26 of the



Town and Country Planning (Local Planning) (England) Regulations 2012, setting out:

- (a) The date on which the Local Plan was adopted;
- (b) The modifications made following the submission version (November 2020);
- (c) Notice that any person aggrieved by the process can make an application to the High Court within 6 weeks from the date of adoption; and
- (d) the grounds on which, and the period within which, an application may be made.

- 3.24. A draft Adoption Statement can be found at Appendix 6.
- 3.25. As described above, the Council will also publish a Sustainability Appraisal Adoption Statement, as the final step in the Sustainability Appraisal process required under Part 4 of the Strategic Environmental Assessment Regulations.
- 3.26. This reports seeks authorisation for the Corporate Director of Regeneration Planning, in consultation with the Lead Member for Housing and Regeneration, to finalise and publish the Adoption Statement and Sustainability Appraisal Adoption Statement.

#### Existing Planning Documents

- 3.27. The Plan will replace the existing Core Strategy (2012), the Development Management Policies (2013), the Walthamstow Town Centre Area Action Plan (2014) and the Blackhorse Lane Area Action Plan (2015). These documents are available to view on the [Council's website](#).
- 3.28. The Plan does not include Site Allocations - these are set out in Local Plan Part 2. A first draft (Regulation 18) of Local Plan 2 was consulted on between September 2020 and December 2020 and a submission version (Regulation 19) was consulted on between November 2021 and January 2022.
- 3.29. A further Regulation 19 consultation is proposed for later in 2024, prior to submission to the Secretary of State. This gives the Council the opportunity to ensure that Local Plan Part 2 aligns with the adoption version of the Plan and fully reflects the latest evidence base documents, including masterplans and Area Frameworks. All responses received to both rounds of Regulation 19 consultation will be submitted to the Secretary of State.
- 3.30. Neighbourhood Plans are optional plans prepared by local communities to set out the detailed planning policies and proposals for their specific area. Waltham Forest currently has one Neighbourhood Plan for Highams Park, adopted in 2020, which forms part of the statutory development plan. The Highams Park Neighbourhood Plan will be retained under the Plan, however policies in the new Plan will supersede those in the Neighbourhood Plan where there is a conflict. As the NPPF requires policies and site allocations within any

Neighbourhood Plans to be in general conformity with the Strategic Policies in the Local Plan, the Council will support the Highams Park Planning Group to carry out any necessary review of their Neighbourhood Plan. Officers have engaged with the Higham's Park Planning Group ahead of publication of this report.

- 3.31. The Council has previously prepared a number of Supplementary Planning Documents (SPDs) which support the Core Strategy and Development Management Policies. These Supplementary Planning Documents provide additional guidance on the implementation of particular policies.
- 3.32. In order to ensure that the Council has up to date guidance that supplements policies within the new Plan, subject to its adoption, it is recommended that the following SPDs are also revoked, for the reasons set out below. These documents are available to view on the [Council's website](#).

<b>SPD title</b>	<b>Reason for Revocation</b>
Norlington Road Industrial Site	This document would be superseded by the new Plan spatial vision and updated policy and would therefore no longer be up to date.
South Grove/St James	This document would be superseded by the new Plan spatial vision and updated policy and would therefore no longer be up to date.
Inclusive Housing Design	This document has been superseded by more up to date national policy and building regulations and is therefore no longer up to date.
Inclusive Design for Non-Residential Buildings	This document has been superseded by more up to date national policy and building regulations and is therefore no longer up to date.
Hot Food Takeaways	This document has been superseded by the new Plan and would therefore no longer be up to date.
Public Houses	This document has been superseded by the new Plan and would therefore no longer be up to date.

**Table 1:** SDs proposed for revocation, subject to adoption of the Waltham Forest Local Plan (Part 1).

- 3.33. The revocation of these SPDs would not undermine the Council's position on these matters because the current position is dealt with by more up to date policy and guidance.
- 3.34. It is recommended that the following SPDs are retained and continue to be used in decision making under the new Plan, until such time as an

updated version, or new SPD on the topic, or updated version is adopted:

- (a) Shop Front Design
- (b) Residential Extensions and Alterations
- (c) Urban Design
- (d) Affordable Housing and Viability
- (e) Planning Obligations

- 3.35. To support the implementation of the new Plan, subject to adoption, the Council is also working on a suite of six new priority SPDs. These are:
- Green and Blue Spaces SPD
  - Exemplar Design SPD
  - Industrial Intensification SPD
  - Developer Contributions SPD
  - Retrofit and Residential Extensions SPD; and
  - Leyton Mills SPD.
- 3.36. This suite of documents has been subject to informal consultation over the summer of 2023. Statutory consultation will follow adoption of the Plan at the appropriate time. The Leyton Mills SPD is at the most advanced stage of preparation. It is being produced in partnership with the London Legacy Development Corporation (LLDC), and following LLDC Board approval received on 23<sup>rd</sup> January 2023, will be subject to statutory consultation in Spring 2024.
- 3.37. Adoption of the Local Plan will also necessitate revisions to the local validations list.

#### Local Development Scheme

- 3.38. Local planning authorities are required to prepare and maintain a Local Development Scheme (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 3.39. The LDS is the programme for the production of the Council's strategic planning policy documents. The Waltham Forest LDS (2023-26) was last updated in July 2023 and sets out a timetable for the preparation of the documents over the next three years. Following receipt of the Inspectors' final report and this recommendation to adopt Local Plan Part 1, the LDS has been reviewed and updated. It is attached at Appendix 8 of this report for approval and will take immediate effect, if approved by Full Council on 29 February 2024.

#### Statement of Community Involvement

- 3.40. Section 18 of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to produce a Statement of Community Involvement to explain how they will engage local

communities and other interested parties in producing their Local Plan and determining planning applications.

- 3.41. The Council's current SCI was adopted in 2018, with a subsequent addendum in response to the Covid19 Pandemic in 2020. The Waltham Forest Local Plan (Part 1) has been prepared in accordance with the Statement of Community Involvement.

#### Levelling Up and Regeneration Act 2023

- 3.42. The Levelling Up and Regeneration Bill became an Act of Parliament on 26th October 2023. Much of the Act serves as framework legislation for more detailed regulations to follow, so whilst some changes to planning procedures – including the Plan making process, will begin to take place from 2024, others will take longer as associated regulations and changes to national policy are put into place.
- 3.43. The Government remain consistent and clear that Local Planning Authorities should continue making Local Plans, as re-iterated in the Secretary of State's [written Ministerial Statement of 19<sup>th</sup> December 2023](#). Transitional arrangements to support the implementation of the Levelling Up and Regeneration Act with relation to Plan-Making will allow Local Planning Authorities to submit a Local Plan for examination under the current system until 30th June 2025, and would need it to be adopted by 31st December 2026.
- 3.44. Subject to adoption of the Waltham Forest Local Plan (Part 1), the proposed transitional arrangements would also mean that the Council would not be required to begin preparing a new-style Local Plan for five years. In order to avoid the risk of a large group of authorities commencing plan-making at the same time, the Government also proposes a phased roll-out of the Authorities required to prepare new local plans.

#### 4. Options & Alternatives Considered

- 4.1. It is a statutory requirement for boroughs to have up-to-date Local Plans. In the absence of an up to date and adopted Local Plan for Waltham Forest, planning decisions would be taken with reference to the Government's National Planning Policy Framework and the London Plan only. These strategies do not reflect local circumstances as comprehensively as a Local Plan prepared specifically for Waltham Forest.
- 4.2. Adopting the Waltham Forest Local Plan (Part 1) will ensure that the Council has an up-to-date strategic planning framework which provides more control and certainty at the planning application stage and protects communities from speculative applications.
- 4.3. Not adopting the Plan would mean that the existing, out-of-date Core Strategy and Development Management Policies, which do not fully reflect the Council's current and future priorities would remain. The

Council would not have robust and up to date policies to implement inclusive growth and climate change ambitions and would likely face an increasing number of speculative planning applications and appeals, which could incur significant costs.

- 4.4. [Government guidance on Plan-making](#) is clear that Local Planning Authorities are not legally required to adopt a Plan that has been found sound by an independent planning inspector, but that “*it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.*”
- 4.5. A decision not to adopt the Waltham Forest Local Plan (Part 1) therefore would be likely to result in an intervention by the Secretary of State, and legal challenges by site owners and promoters.
5. Council Strategic Priorities (and other National or Local Policies or Strategies)
  - 5.1. The Borough’s draft new corporate plan 'Mission Waltham Forest: a fairer, more equal borough' recognises that not everyone in Waltham Forest has an equal chance in life and sets out the Council’s plan for a fairer borough by 2030. Subject to adoption, the new Local Plan will be central to tackling the fundamental challenges that lead to this inequality.
  - 5.2. As acknowledged Mission Waltham Forest, the Council can only do so much to tackle the inequalities that hold so many back. It is through a robust and well-evidenced Local Plan that we can ensure landowners, developers, local businesses, the voluntary sector, and other public bodies all make their fair and proportionate contribution to our shared vision.
  - 5.3. The Plan will play an integral role in the delivery of each of the proposed missions. It will ‘ensure every family and every child are given every opportunity’ by ensuring that families have access to high quality, affordable housing, accessible green open spaces and play spaces, and community facilities including health care, education, early years facilities and facilities for young people. The Infrastructure Delivery Plan (IDP) is a key document supporting the implementation of the Local Plan in this regard.
  - 5.4. The Plan will help ‘build an economy that works for everyone’ by meeting local needs for employment floor space (including affordable workspace), and securing local jobs, local procurement and investment in skills and training for local people.
  - 5.5. The Plan will ‘make Waltham Forest a great place to live and age well’ by implementing Exemplar Design standards and setting policy requirements to improve health and well-being. The latter include requirements for Health Impact Assessments and inclusive access to all buildings and spaces, and restrictions on the location of hot food

takeaways and betting shops/pay-day loan shops. Through infrastructure investment directed by the IDP, the Local Plan is also integral to the delivery of new healthcare facilities. Exemplar Design seeks to ensure that development coming forward in the borough is of the highest quality and has a lasting and positive legacy for residents and communities. It goes beyond aesthetics, or what a building or open space looks like, to also consider the interrelated principles below:

- Human value – community safety, comfort, health, privacy, access for all
- Social value – local character, connectivity, inclusivity for all, equitable distribution of the benefits of planned growth,
- Environmental value – net zero carbon, trees and biodiversity, improving air quality, reducing the risk of surface water flooding and
- Financial value – affordability, high quality workspace and good jobs, whole life cost, resource efficiency, value creation.

5.6. The Plan will help ‘tackle the Housing Crisis head on’ by going as far as possible to meet local housing need, whilst achieving all other strategic and policy objectives.

5.7. The Plan will ‘lead the way for a net-zero borough’ by requiring all major development to meet or exceed net zero-carbon emissions targets in line with the London Plan (2021) and embedding policy requirements for energy masterplans, decentralised energy and sustainable design and construction. Evidence submitted in support of the Plan shows that its implementation will result in reductions in vehicular traffic across the majority of roads in the borough, and therefore commensurate reductions in carbon emissions and improvements to air quality.

5.8. Finally, the Plan will also help achieve Safer neighbourhoods and stronger communities through investment in infrastructure, the local economy and the physical environment, whilst also protecting the places and communities that already make the borough special. This includes policy requirements to make places safer and designing-out crime in partnership with the Metropolitan Police.

5.9. In order to be found sound, the Planning Inspectors must be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy, and in conformity with the London Plan. Subject to Main Modifications, the Inspectors final report concludes that this is the case.

## 6. Consultation

6.1. As detailed above, the Waltham Forest Local Plan (Part 1) has been subject to extensive public consultation over many years, undertaken in accordance with statutory requirements and the borough’s Statement of Community Involvement (SCI).

6.2. Following adoption, the Council will notify those who have made representations on the Plan throughout the process, and all other

persons and organisations on the Local Plan database. The adoption documents will be made available in accordance with Regulations 26 and 35 of the 2012 Regulations.

## 7. Implications

### 7.1. Finance, Value for Money and Risk

- 7.1.1. There are no financial implications relating to the adoption of the Waltham Forest Local Plan (Part 1). The outstanding examination costs and the costs associated with the preparation of the final Policies Map will be met within existing budgets. There is an annual Local Development Framework budget of approximately £120,000 to fund costs associated with Plan review and preparation, the review and preparation of Supplementary Planning Documents, the implementation of the Plan and the costs of monitoring and reporting. This budget does not include officer salary costs which are separately budgeted and funded.
- 7.1.2. If the Council was faced with one or more legal challenges to the Plan after its adoption, defending these would need to be funded and may impact on the resources available for other service delivery.

### 7.2. Legal

#### Local Plan (Part 1)

- 7.2.1. The statutory provisions under which a Local Plan is made are contained within the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Environment Assessment of Plans and Programme Regulations 2004.
- 7.2.2. The Local Plan (Part 1) has been independently examined by inspectors appointed by the Secretary of State, who have found that with the main modifications the plan is sound and complies with all the legal requirements set out in section 20(5) of the 2004 Act.
- 7.2.3. Pursuant to section 23 of the 2004 Act, the Council may only adopt the new Plan in accordance with the Inspectors' recommendations, as recorded in their final report. The decision to adopt must be taken by Full Council in accordance with section 23(5).
- 7.2.4. Under section 113 of the 2004 Act there is a 6 week period following adoption whereby anyone aggrieved by the Plan can challenge it in the High Court. The six weeks will commence from the date of adoption which, if approved, will be the full Council meeting on 29<sup>th</sup> February 2024.
- 7.2.5. During the challenge period the Council can still afford full weight to the policies in the Plan. As a precaution however, the existing

Development Plan Documents will not be revoked until the six week challenge period has passed.

- 7.2.6. Pursuant to Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the Council as soon as reasonably practicable after adoption must make: (i) the Plan, (ii) the adoption statement and (iii) the sustainability appraisal report available for inspection at its principal office and at such other places within their area as it considers appropriate. These documents must also be published on the Council's website. The adoption statement must also be sent to any person who has asked to be notified of the adoption and to the Secretary of State.
- 7.2.7. Once adopted, the Plan will form part of the statutory development plan against which planning applications will be determined.

#### Local Development Scheme

- 7.2.8. The Council is required by section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and maintain a Local Development Scheme (LDS). The LDS must be revised when the Council considers it appropriate to do so (section 15(8)).
- 7.2.9. The LDS must specify— (a) the local development documents which are to be development plan documents; (b) the subject matter and geographical area to which each development plan document is to relate; (c) which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities; (d) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee; and (e) the timetable for the preparation and revision of the development plan documents.
- 7.2.10. There are no statutory consultation requirements necessary for the preparation of a Local Development Scheme.
- 7.2.11. A resolution of Full Council is required in order to bring a Local Development Scheme into effect (section 15(7)) and that resolution must specify the date from which the scheme is to have effect.

### 7.3. Equalities and Diversity

- 7.3.1. The Equality Act 2010 places a statutory duty on the Council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups with protected characteristics, have been considered.
- 7.3.2. Subject to adoption, the new Waltham Forest Local Plan (Part 1) will provide a strategic framework to help deliver the new homes and jobs that the borough needs, and social and community infrastructure for the benefit of all residents and communities - including those who share the characteristics protected by the Equality Act 2010.
- 7.3.3. This has been a priority throughout the preparation of the Plan. A full [Equalities Impact Assessment](#) was undertaken of the submission



version of the Local Plan (November 2020) and was formally submitted to the Secretary of State for examination. This concludes that, overall the Plan would have a neutral or positive impact on Protected Characteristic Groups and that in many instances it could help to mitigate current barriers and advance equality of opportunity for specific groups.

- 7.3.4. In the Equalities Impact Assessment, Table 4.2 sets out the detailed, policy-by-policy assessment of equality impacts against each protected group. This can be found from pages 17 to 64. On page 65 a summary of this assessment is set out, with the average result for each protected characteristic group against each chapter of the Plan. This summary shows that, each chapter has a neutral or positive impact on each protected characteristic group.
- 7.3.5. As the Main Modifications to the submission version of the Plan do not alter the Plan's spatial vision or policies, but rather clarify and update technical matters and strengthen the commitment to monitoring, they do not alter the conclusions of the Equalities Impact Assessment, which remain therefore remain valid for the adoption version of the Plan.
- 7.3.6. The Equalities Impact Assessment commits to a full review of the Equalities impacts of the Plan 5 years after adoption.

#### 7.4. Sustainability (including climate change, health, crime and disorder)

- 7.4.1. As detailed above, the Waltham Forest Local Plan (Part 1) has been subject to a full Sustainability Appraisal, including the assessment of reasonable alternative growth scenarios. This concludes that the inclusive growth strategy proposed in the Plan, including the delivery of 27,000 new homes, is the preferred policy option from a sustainability perspective, as it goes as far as possible to meet the need for new homes in the borough, whilst also securing high quality design, protecting and enhancing the character of local areas, providing new and improved green spaces and public realm, responding to the climate emergency, significantly reducing flood risk, creating safer spaces, reducing fear of crime, maximising the number of local jobs and employment space, and delivering a whole range of community infrastructure, including health facilities, a new hospital, public transport/station improvements, facilities for young people and new cultural amenities.
- 7.4.2. The Plan has also been subject to Appropriate Assessment under the Habitats Regulations, which concludes that there would be no adverse effects on the integrity of the Epping Forest Special Area of Conservation, Lee Valley Special Protection Area and the Lee Valley Ramsar site, and Wormley Hoddesdon Park Woods Special Area of Conservation.
- 7.4.3. In April 2019 the Council declared Climate Emergency and in November 2022, launched its Climate Action Plan. Subject to adoption, the Waltham Forest Local Plan (Part 1) will be a key tool in ensuring

delivery of the Climate Action Plan through its spatial vision and policies including those relating to: car free development, managing vehicle traffic and active travel; zero carbon development; decentralised energy; sustainable design and construction; Biodiversity Net Gain and Urban Greening; protecting, improving and delivering new green and blue infrastructure; improving air quality, improving water quality and reducing surface water flooding; managing waste; and overheating.

- 7.4.4. Improving the health and well-being of all who live and work in the borough is a Strategic Objective of the Plan, with a whole Chapter dedicated to the topic, as well as policies underpinned by the ambition throughout – particularly those relating to delivering high quality, affordable housing and exemplar design. Specific policies of relevance to health include “Promoting Healthy Communities”, “Health Impact Assessments”, “Noise, Vibration and Light Pollution”, “Hot Food Takeaways,” and “Betting Shops and Payday Loan Shops”. Subject to adoption of the new Local Plan, Health Impact Assessments would be required for all qualifying development proposals.
- 7.4.5. Making Places Safer and Designing Out Crime is also a key tenet of the Plan, underpinning many of the policies – particularly those relating to design and placemaking. Specifically, the Making Places Safer and Designing Out Crime Policy requires development proposals to improve community safety and cohesion and commits the Council to working with partners to:
- (a) Minimise opportunities for criminal behaviour by requiring all forms of new development to incorporate 'Designing out Crime' and Secured by Design principles, and requiring all major development to seek to achieve for Secured By Design accreditation via the Secured by Design scheme;
  - (b) Co-ordinate land uses to minimise the likelihood of an increase in crime and disorder; and
  - (c) Promote safer streets and public realm improvements throughout the borough, where necessary in liaison with the Metropolitan Police Designing out Crime Officers (DOCOs), Counter Terrorism Security Advisors (CTSAs), Traffic Management Unit (TMU) and with the British Transport Police (BTP).
- 7.4.6. The programme of priority SPDs set out in paragraph 3.36 of this report will all contribute to the effective implementation of the Plan in relation to these sustainability, including climate change, health, and crime and disorder implications.

## 7.5. Council Infrastructure

- 7.5.1. Subject to adoption, the Waltham Forest Local Plan (Part 1) will be implemented and monitored within the existing Council infrastructure and resources, as will the ongoing preparation and examination of

Local Plan Part 2 and the suite of supporting Supplementary Planning Documents.

Background Information (as defined by Local Government (Access to Information) Act 1985)

None