

CED031 Council's Response to Issue 10

Issue 10

Are the policies relating to managing and enhancing the Borough's assets in Section 6 (Policies LP34-40) justified, consistent with national policy and will they be effective?

Questions:

i) Given the developments proposed does Policy LP35 adequately address existing open space deficiencies? What is meant by inappropriate development in criterion (a)?

1.1 Paragraphs 5.1 – 5.2 of the Open Space Study (LBR2.42) sets out that deficiency in some levels of open space are not uncommon in a London context, that most residents are at least within the catchment area of a metropolitan scale open space, and that there are areas of open space important to residents that fall beyond the borough boundaries.

1.2 It is acknowledged that the main areas of open space deficiency fall within the south of the borough where opportunities for major new open space provision will be limited. In dense urban areas, alleviating this deficiency will therefore be dependent on the provision of innovative spaces such as the Ilford Garden Junction Scheme, investment in landscaping and the public realm, the introduction of pocket parks as part of new developments, and the use of green roofs. It will also be supplemented by ongoing investment as part of the Council's Ilford Public Realm proposals, and securing new publically accessible open space as part of the proposed development of Green Belt release sites.

1.3 To clarify this, it is suggested that part (b) of Policy LP35 is further modified from that originally set out in modification 143 of LBR1.01.2 to read:

"(b) Enhancing the supply of Open Space to meet the needs of the borough's growing population, by seeking on-site provision of publically accessible open space, particularly in major new developments in areas of deficiency, and the Strategic Sites identified in Policies LP1A-E. Provision should be in accordance with the standards set out in the Council's Open Spaces Study, unless superseded, and in dense urban areas could include the use of pocket parks, green roofs, and landscaping and public realm provision. Where open space standards cannot be met on-site, financial contributions towards improvements to existing or planned nearby spaces will be sought."

1.4 Under policy part (a), criterion (i) and (ii) set out what would be deemed inappropriate development. As such, it is suggested that policy part (a) could be rephrased as follows:

"(a) Protecting all Open Space and Play Space in the borough, as identified on the Policies Map. ~~Any, by resisting inappropriate development proposals on such space should unless:~~

i) ~~The proposal is~~ be supportive of and ancillary to the purpose of that open space; and

ii) ~~The proposal is to~~ enhance the quality or accessibility of the open space."

- 1.5 It is also suggested that the Ilford Garden Junction Scheme is added to Appendix 2 as follows:

"Open Space – Ilford Garden Junction – Public Open Space - £1,000,000 – GLA Air Quality Fund – London Borough of Redbridge – Phase 1 – Necessary – Ilford Growth Area"

- ii) Does Policy LP36 adequately support local food growing? Is criterion (c) and modification 149 (LBR 1.01.2) consistent with paragraph 112 of the NPPF regarding the best and most versatile agricultural land?**

- 2.1 Policy LP36 supports local food growing by protecting existing allotments, promoting investment in reserve sites, and working with partners and local communities to identify further sites for food growing. Modification number 151 in LBR1.01.2 also sets out support for new community food growing spaces as part of new residential developments.

- 2.2 It is recognised that to further support local food growing, policy part (e) could be further modified to clarify the nature of buildings and structures that are in principal acceptable on allotment land. The following modification is therefore suggested:

"(e) Supporting buildings and structures that support local food growing on allotment land which do not have an adverse visual impact on the locality."

- 2.3 Regarding modification 149, it is acknowledged that this is not consistent with paragraph 112 of the NPPF. As such, it is suggested that it is further modified as follows:

"(c) Protecting agricultural land in the borough in accordance with national planning policy"

- iii) Is the 2km buffer zone around the Epping Forest SAC appropriate for the consideration of transport-related impacts on air quality? Will Policy LP39 provide sufficient protection to the integrity of this European site?**

- 3.1 The principal objective of Policy LP39 is not to restrict consideration of air quality effects to a 2km buffer zone around Epping Forest SAC. The 2km buffer was primarily intended to address effects arising from increased

recreational pressure, given that the majority of visits to Epping Forest are considered to be from those within 2 km of its boundary.

- 3.2 Paragraph 3.1.7 of the HRA addresses the appropriateness of buffers, stating '*It is necessary to consider Epping Forest SAC with respect to a range of possible impacts, including effects of direct development within a 400m zone, indirect impacts of recreational use within a 2km zone, **and air quality effects on a Borough-wide level***' (our emphasis).
- 3.3 However, it follows, for the most part, that traffic generated from developments closer to the SAC may have a greater potential for adverse effects, since vehicles will be subject to a lower degree of dispersal onto the wider road network. As such the 2 km threshold will be likely to pick-up development which has the greatest potential to give rise to effects on the SAC arising from vehicle emissions.
- 3.4 In the analysis of policies, the Redbridge HRA (LBR 1.12) does highlight those policies which promote residential development within 2km of the SAC as having potential air quality effects, such as **LP1D** and **LP2**. The screening out of policies promoting development in other areas was not just because they were outside the 2km buffer, but was a consequence of their concentration in locations with good public transport access such as the Crossrail Corridor.
- 3.5 Policy **LP14** was also highlighted as potentially producing air quality effects on the SAC; again although Strategic Industrial Locations within 2km were highlighted as having the greatest potential effect, the intention was not to exclude consideration of major traffic-generating developments outside the 2km zone.
- 3.6 The HRA highlighted that the most important mitigation of the Local Plan's potential air quality effects are those measures incorporated in other policies, notably **LP19** and **LP22** (see HRA report, 5.3.12). This notes that **LP24** provides a policy basis for requiring developments to produce an AQA (it also requires major new developments to be at least 'air quality neutral').
- 3.7 As such, the 2 km threshold in policy LP39 was not intended to operate as some form of 'absolute' or 'cut-of', beyond which screening and, as necessary appropriate assessment would never be required. Rather, developments within 2 km of the SAC are most likely to require screening under the Habitats Regulations. There is of course the potential, during the life of the local plan, for development beyond 2 km of the SAC boundary, and in particular large scale development generating extensive traffic movements, to require screening, including in respect of the impact of vehicle emissions, through the operation of the Habitats Regulations. For the avoidance of doubt a modification to paragraph 6.6.2 is proposed, adding the following text to the end of the paragraph:

Development which is proposed to take place beyond 2km of the SAC boundary may also require screening and, where necessary, appropriate

assessment pursuant to the Habitat Regulations, particularly where that development is likely to generate large number of traffic movement on roads within and in close proximity to the SAC. Those promoting such developments should also seek early engagement with the Council.

- 3.8 This modification makes it clear that consideration of air quality effects are not confined to the 2km buffer, and that Habitats Regulations screening and appropriate assessment may be required for development further afield. An example of circumstances where this may be triggered would be a traffic-generating major development which served to funnel vehicle movements onto roads bounding the SAC. This is most likely to be an industrial development requiring specific routing of vehicles for residential amenity or traffic management purposes, as part of a planning condition. Whether or not there is a requirement for Habitats Regulation screening will depend on the particular circumstances of a development.

Will Policy LP39 provide sufficient protection to the integrity of this European site?

- 3.9 Policy LP39 makes clear that projects within 2km of Epping Forest SAC should be subject to a screening assessment to determine likely significant effect. This may in turn trigger the need for an Appropriate Assessment, to determine the effect of the proposal on site integrity. The first sentence in LP39 makes clear that, in accordance with the Habitats Regulations, a development which affected site integrity could only proceed in circumstance of imperative reasons of over-riding public interest ('IROPI'), and only then if adequate compensation measures were put in place.
- 3.10 Although this policy was (and continues to be) acceptable to Natural England, the modification to accompany text paragraph 6.6.2 proposed in the Council's note on SANGs and SAMMs following Day 2 of the hearings (document CED033) makes explicit reference to mitigation solutions (SANG and SAMM) which would avoid effects on the SAC's integrity.
- 3.11 With respect to air quality impacts, the further modification to paragraph 6.6.2 proposed above makes it clear that a requirement for project-level HRA may not be limited to the 2km risk zone, as explained above.

iv) In Policy LP40 on burial spaces is criterion (b) about an over-concentration of facilities justified?

- 4.1 Upon reflection, criterion (b) is considered unnecessary. It is therefore suggested that Policy LP40 is modified as follows:

"The Council will protect existing and support additional land to be used for burial space where:

(a) There is an identified need for the space;

(b) ~~It would not result in an over-concentration of facilities in a given location;~~

(c) It would not harm the amenity of nearby residents;

(dc) The quality of water resources and the landscape is maintained;
(ed) It would not impede the safe and efficient functioning of the public highway;
(fe) Associated built facilities are of compatible design and scale with their surroundings."