



LONDON BOROUGH OF WANDSWORTH

LOCAL PLAN INDEPENDENT EXAMINATION IN PUBLIC

WRITTEN STATEMENT

MAIN MATTER 1:

LEGAL REQUIREMENTS AND OVERARCHING ISSUES

TUESDAY 15 NOVEMBER 2022

Abbreviations

- DtC – Duty to Cooperate
- GLA – Greater London Authority
- LDS – Local Development Scheme
- LP – The London Plan
- NPPG – National Planning Practice Guidance
- NPPF – National Planning Policy Framework
- OA – Opportunity Areas
- PINS – Planning Inspectorate
- PTAL – Public Transport Accessibility Level
- SA – Sustainability Appraisal
- SCI – Statement of Community Involvement
- SoCG – Statement of Common Ground
- TFL – Transport for London
- WLP – Wandsworth Local Plan
- WMS – Written Ministerial Statement

Duty to Cooperate

Has the Council met the duty to cooperate and is this clearly evidenced? In particular:

- ***Have all the relevant strategic matters in relation to this duty been clearly identified?***

In preparing the Plan, the Council has engaged constructively, actively and on an ongoing basis with neighbouring boroughs and other public bodies and key stakeholders on strategic issues.

The Duty to Co-operate Statement (SD-014) sets out the timely, effective and conclusive discussions with the prescribed bodies at each stage in the plan preparation. The Plan was subject to three stages of public consultation, and effective engagement and discussions with the prescribed bodies took place at these key stages and throughout the preparation of the Plan. Meetings and subsequently detailed conversations were held to discuss the full range of specific cross-boundary policy and strategic issues.

All strategic matters have been identified and defined per Section 33A (4) of the Planning and Compulsory Purchase Act 2004. The Duty to Cooperate (DtC) statement (SD-014) clearly sets out within section 4.6 the relevant strategic matters that have arisen from the consultations. The document sets out each of the main strategic and/or cross boundary themes, which were identified through the process, together with any specific outcome from the process or next steps.

Strategic matters identified through constructive engagement:

- Housing (including gypsies and travellers),
- Economic growth,
- Town centre/retail,
- Waste management,
- Schools and education,
- Healthcare,
- Environment and green infrastructure, and
- Tall buildings.

This demonstrates positive engagement through the DtC and resulted in regular exchanges of information, particularly sharing evidence base and updates to policy approaches, which has informed the Local Plan and clearly identified strategic matters. As a result of the

continual engagement, there are no outstanding strategic matters yet to be covered with any Prescribed Bodies as a result of the discussions.

It should be noted that although not relevant with regard to the Duty to Co-operate, the Council has taken a positive approach to produce Statements of Common Ground in advance of the hearing sessions – these are detailed in response to the question below.

- ***Has the Council maximised the effectiveness of plan-making activities by engaging constructively, actively and on an on-going basis with the prescribed bodies, in the preparation of the Plan in the context of these relevant strategic matters? Does the evidence clearly set this out?***

The Council has made every effort to obtain the necessary cooperation on strategic cross boundary matters through active and sustained engagement from the outset of plan preparation. In addition to the statutory consultation periods, the Council has actively and continually engaged and consulted with the relevant stakeholders (prescribed bodies), neighbouring local authorities and formal partnerships (including those not subject to the DtC requirements) by way of one-to-one meetings (in person and virtual), joint evidence base working and early and on-going discussions on policy development in accordance with the DtC. Wandsworth's Duty to Cooperate Statement (Document SD014) sets out the engagement the Council undertook. The Council engaged constructively on policy specific matters, and this is supplemented by the following Statements of Common Ground submitted to PINs:

- SD-017 [Wandsworth Local Plan Review: Duty to Co-operate Report on Waste Exports](#)
- SD-019 Draft Statement of Common Ground – Greater London Authority – in progress
- WBC-003 [Statement of Common Ground - Environment Agency](#)
- WBC-004 [Statement of Common Ground - Western Riverside Waste Authority](#)
- WBC-005 [Statement of Common Ground – Neighbouring Authorities](#)
- WBC-012 [Statement of Common Ground – Transport for London](#)
- WBC-013 [Statement of Common Ground – Thames Tideway](#)

The Council is an active respondent to any Local Plan consultations of neighbouring authorities, to ensure cross boundary policy consistency. Evidence of meetings held under the DtC is detailed in the Council's submission (SD-014).

London Plan

- ***Is the WLP in ‘general conformity’ with the London Plan as required by the provisions of Section 24 of the 2004 Act?***

The Council has submitted a Local Plan that it considers to be in ‘general conformity’ with the London Plan, as required by the provision of Section 24 of the 2004 Act. The Greater London Authority (GLA) and Transport for London (TfL), on behalf of the Mayor of London, have been consulted, and they have submitted representations on both the Pre-Publication (Regulation 18) and Publication (Regulation 19) versions of the Local Plan. These, along with the Council’s responses to their representations, are set out in the Statement of Consultation Regulation 18, Appendix 5: Responses to the Local Plan Pre-Publication Consultation and Officer Comments (SD-004) and Schedule of Representations on the Publication (Regulation 19) Local Plan and the Council’s Responses (WBC-006 and WBC-007, see comments IDs 627-652, on pages 917 to 954).

Alongside the formal consultation processes, ongoing DtC engagement activities have also taken place between officers of the Council and the Mayor, with meetings held on 22 February 2021, 26 May 2021, 4 October 2022, and 13 October 2022. Officers of the Council met with representatives from Transport for London (TfL) on 5 February 2021 and 15 February 2022 respectively. These are recorded, including minutes of earlier meetings, within the Council’s Duty to Co-operate Statement (SD-009) and the Addendum to SD-014 Duty to Co-operate Statement (WBC-002), with later meetings informing the Statement of Common Ground between the Mayor of London and the London Borough of Wandsworth (forthcoming).

The Mayor of London’s response (dated 28 February 2022) to the consultation on the Publication (Regulation 19) Local Plan states that whilst the Mayor supports many aspects of the Plan, he is of the opinion that there remain a couple of outstanding issues that need to be addressed before the Local Plan can be considered as being in ‘general conformity’ with the London Plan. The Mayor has raised concerns relating to:

- the Borough’s approach to industrial land within the area of the Queenstown Road, Battersea Strategic Industrial Location identified as the ‘Battersea Design and Technology Quarter’, as set out within PM3 Nine Elms, the ‘Battersea Design and Technology Quarter’ cluster of site allocations (NE6 Havelock Terrace, NE7 Ingate Place, and NE8 Silverthorne Road), and to Policy LP34 Managing Land for Industry

and Distribution. The Mayor contends that the draft Local Plan is not in ‘general conformity’ with Policy E4A and Policy E7B of the London Plan.

- the Borough’s approach to car free-parking within, and whether it is appropriate to be included in, an opportunity area. TfL and the Mayor contend that the draft Local Plan is not in general conformity with Policy T6.1 of the London Plan and seek for amendments to be made to LP51 Parking, Servicing and Car Free Development.

Since the submission of the Local Plan, the Council has continued to work constructively and positively with the Mayor of London to address these issues. A Statement of Common Ground has been agreed with TFL (WBC-012) and at time of writing a SoCG is due to be agreed with the GLA. Further detail is also set out on these points within the Council’s relevant written statements for Main Matter 17 – Building a Strong Economy (Policies LP33 to LP40) and Main Matter 19 – Sustainable Transport (Policies LP49 to LP52). Overall, the Council considers that, the Local Plan is in ‘general conformity’ with the London Plan.

Battersea Design and Technology Quarter

The Mayor of London has raised a London Plan general conformity issue at the Regulation 19 stage of the Plan with the borough’s approach to industrial land regarding the delivery and location of the required need for industrial floorspace.

Written Statement MM17 details the rationale for the boroughs approach to industrial land and the Councils position on this matter is set out in detail in its response to GLA Representation comment ID number 637 within the Schedule of Regulation 19 consultation Reps (WBC-007).

At the time of writing this matter remains unresolved as the Council disagrees with the GLA in this regard but continues to work with them to resolve this matter.

Car-Free Parking in an Opportunity Area

TfL has raised specific concerns with the draft Local Plan through the Duty to Co-operate meetings, the Regulation 18 and Regulation 19 Consultations, that LP51 Parking, Servicing and Car Free Development does not meet the requirements of London Plan Policy T6.1 with regards to residential car-free development in Opportunity Areas (OA), because it is not mentioned specifically.

London Plan Policy T6.1 Residential parking (A) sets out that ‘*new residential development should not exceed the maximum parking standards set out in Table 10.3*’. Table 10.3 -

Maximum residential parking standards establishes that Inner London Opportunity Areas should be car-free.

TfL has confirmed that the non-inclusion of this clause is an issue of non-conformity with the London Plan as it allows for residential parking to potentially come forward in OAs.

LP51 Parking, Servicing and Car Free Development is considered to suitably and robustly set out where residential parking and car-free development should come forward in Wandsworth. It does not include a specific reference to car-free development in OAs, however, Part D1 of the policy sets out that:

"Car-free development will be required where:

1. The PTAL is 4 or higher."

This wording is considered sufficient for the WLP and comes following detailed discussions with Wandsworth Council's Transport Strategy team to understand the needs for residential parking in the borough and where car-free development might be acceptable.

TfL's Public Transport Accessibility Level (PTAL) Map has been reviewed following their representations, and several areas have been identified within the Nine Elms and Battersea OA with a PTAL of 0, 1, and 2. These areas are considered to have a very low access to public transport and would not indisputably be suitable for car-free development as implied by the London Plan. It should be noted that this review was taken following the opening of two new TfL Underground Stations (Battersea Power Station and Nine Elms) in the OA aimed at improving the public transport accessibility for the entire OA.

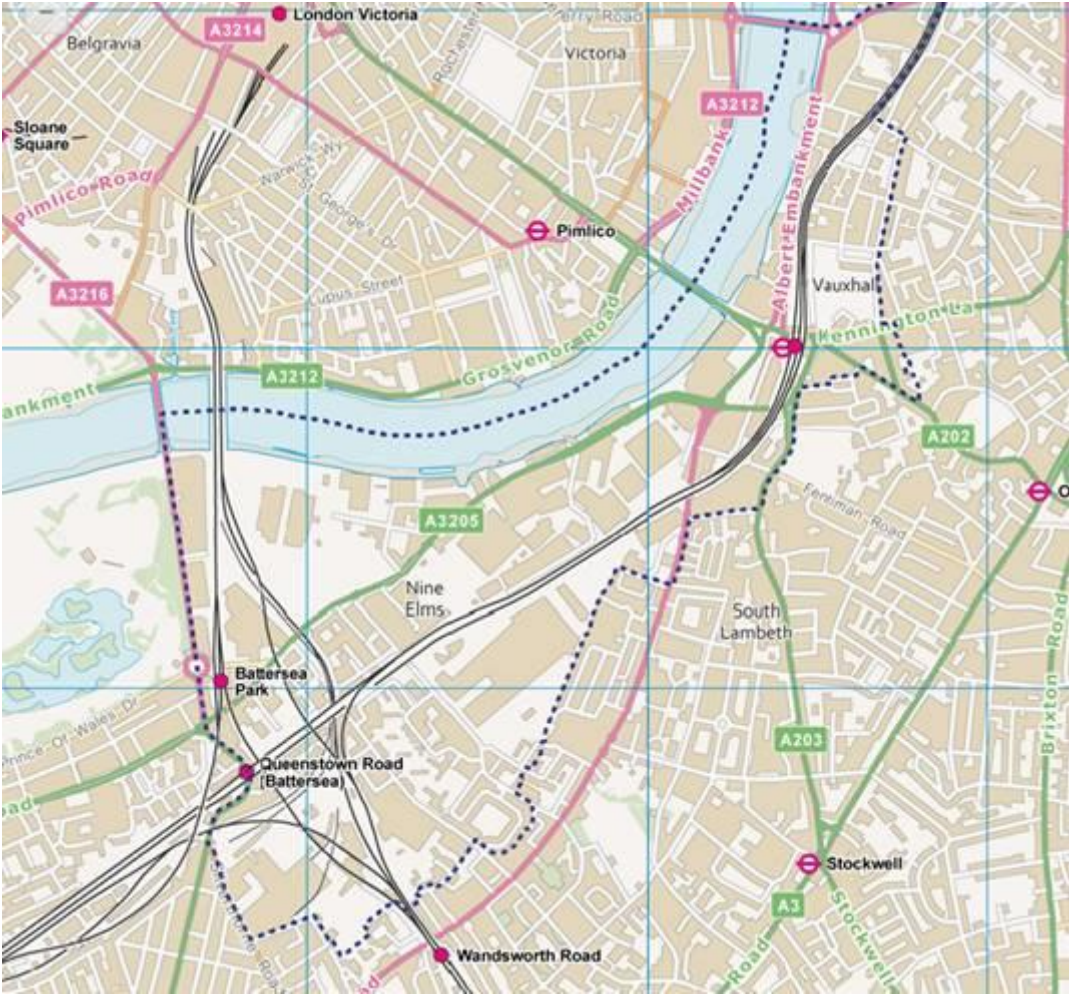
The decision was taken to require car-free developments in areas with a PTAL of 4 or higher, and to require low-car developments in areas with a PTAL of 3. This is considered to be the most appropriate and bespoke approach for Wandsworth when considering parking requirements. The majority of the Nine Elms and Battersea OA and the Clapham Junction OA are of a suitably high PTAL level that LP51 would be sufficient for them as it is written. However, to avoid cases of incontestable car-free development in locations where there is likely to be some, if small, demand for parking, the clause from London Plan Policy T6.1 has not been included, and the Council wishes for this to remain as in the submitted WLP. Overall, the Council does not consider this to be a matter of 'general conformity'; the test is one of 'general conformity' rather than absolute submissiveness with the London Plan, and as the London Plan is a strategic plan for the whole of London, there has to be the possibility of taking account of local circumstances and evidence base, in particular, acknowledging that not all of Wandsworth's Opportunity Areas fall in high PTAL areas. The strict application

of London Plan policy would imply that essential car users, including some key workers, would be unable to live in an OA as there would be no car parking without exception.

The Council's Transport Strategy team also identified that complaints from individuals in the Nine Elms and Battersea OA had been made regarding the lack of available residential parking. They had explained that car-free development can make it difficult for individuals, who rely on a motor vehicle to get to their place of employment, or whose trade requires the use of a motor vehicle to provide services in the area. It is also observed that areas of public realm not intended for motor vehicles have become occupied by vehicles as a result of the unavailability of parking.

The Inspectors should also note that the Council and TfL (on behalf of the Mayor of London and the Greater London Authority) have agreed a Statement of Common Ground (WBC-012), which sets out the areas of agreement as well as disagreement. TfL have argued that the non-inclusion of this element of policy LP51 is a matter of non-conformity and the Council has explained its reasoning in keeping the policy unchanged in this regard. The issue remains a point of disagreement.

See below Figure 1: a plan showing the Nine Elms and Battersea Opportunity Area boundary and Figure 2: a plan showing the PTAL scores for areas within the OA.



(Figure 1. Nine Elms and Battersea Opportunity Area – Wandsworth Policies Map)



(Figure 2. PTAL Map of Nine Elms and Battersea Opportunity Area - <https://tfl.gov.uk/info-for/urban-planning-and-construction/planning-with-webcat/webcat>)

Affordable Housing and First Homes

At Regulation 19, the Mayor expressed ‘concern’ about the Local Plan’s approach in advocating a ‘25% First Homes requirement with a variable discount (depending on viability) before exploring greater proportions of low-cost and intermediate rents to provide for a range of incomes’.

The requirement for 25% First Homes was set within a tenure split of 50% low cost rent, 25% First Homes and 25% other intermediate product which in itself is, ‘within the limits of Policy H6 LP2021¹’. The Mayor’s concern was primarily with the inclusion of a broader spectrum of affordable housing provision than advocated by the London Plan, and particularly, that the inclusion of First Homes was unlikely to deliver genuinely affordable homes to a range of household incomes.

Though not a conformity issue, the Council has proposed changes to the policy through the pre-hearing modifications that would seek to address the Mayor’s concerns. These modifications also seek to address other representors’ views raised in respect of First Homes.

Regulation 19 Policy LP23

Policy LP23 of the Regulation 19 Local Plan sets out the Council’s position with respect to affordable housing. Criterion (C) requires a housing tenure split of 50% low-cost rent, 25% First Homes and 25% other intermediate products. This split is in conformity with Policy H6 of the London Plan, which defines a minimum of 30 per cent low-cost rented homes, 30 per cent intermediate products and the remaining 40% determined by the borough based on need.

In the context of Policy H6, LP23 provides 30%+20% low-cost rent and 30%+20% intermediate, with First Homes making up 25% of that (the discretionary 40% being split between the low-cost rent and the intermediate). First Homes were introduced in May 2021 as the Government’s ‘*preferred discounted market tenure and should account for 25% of all affordable housing units delivered by developers through planning obligations*’². First Homes

¹ Mayor Of London / GLA representation to Regulation 19.

² NPPG, Paragraph: 001 Reference ID: 70-001-20210524

appeared as a requirement between the Regulation 18 and Regulation 19 Local Plans, and it was included in the policy at Regulation 19 to reflect national guidance.

As the Council is beyond the transitional provisions³, it was considered necessary at that time to include the national guidance’s First Homes requirement within the affordable housing policy. At that time, the Council’s early work on First Homes demonstrated that in certain circumstances, First Homes could be viable and deliverable in certain parts of Wandsworth for certain groups of people⁴.

The GLA commented on the policy, principally expressing concern that First Homes are proposed as an element of the affordable housing provision. The Mayor had issued his First Homes Practice Note (July 2021), which expresses its doubts that First Homes are a product that can deliver genuinely affordable housing for Londoners. It should be noted that the different demands of the national and regional bodies cannot be consistent or compatible in the tenure split. This matter has also been raised in the LB Barnet Examination⁵.

Proposed Pre-hearing Modifications

In response to the representations received, the Council has suggested two key changes⁶ to criterion (C) to address the points raised:

- The first of these adds the wording ‘at least’ in front of ‘50% low-cost rent products’.
- The second removes the reference within the policy to First Homes and changes the wording to seek ‘a balance of other intermediate products’ (which would include First Homes). Complementary changes are proposed in the supporting text.

³ NPPG, Paragraph: 018 Reference ID: 70-018-20210524

⁴ Two pieces of evidence have been commissioned in Wandsworth around the impact of First Homes within the borough. In July 2021, [BNP Paribas](#) reported on the affordability and financial impact of First Homes. In December 2021, [GL Hearn](#) conducted similar work in respect of First Homes, but working on the basis of the income available to the target groups that might be attracted to a First Homes product. On the basis of the advice available at the time of the approval and publication of the Regulation 19 Plan, together with First Homes having become a national requirement, it was decided to include a reference to First Homes within the policy, although arguably it was known at that time that First Homes would be difficult to be *required* on every site.

⁵ LB Barnet’s response to the Inspector’s question 3c ([Matter 3 Issue 2](#)) states that, ‘The Council considers that ‘innovative housing products’ is sufficiently generic and therefore appropriate terminology to reflect the ever changing policy landscape for affordable housing delivery’.

⁶ Schedule of Main Modifications suggested by the Council, WBC-010, PPMM/091 and PPMM/092 with changes in the supporting text at PPMM/093.

The second change relies on First Homes being a requirement of national guidance mentioned with the Written Ministerial Statement⁷ (WMS) and the NPPG⁸.

Whilst the minor wording changes to the policy, as proposed in the pre-hearing modifications, remove specific reference to First Homes, the proportions of low-cost rented homes and intermediate products remain as set out in the submitted Regulation 19 Plan. The supporting text continues to highlight the First Homes product and references the need to deliver them in accordance with national guidance.

The revised wording recognises that there needs to be an element of flexibility in the policy approach to allow for negotiation on a site-by-site basis. The wording expects a discussion about this to be based on circumstance and respond to the prevailing context. Whilst the Council can, and has, sought evidence for the delivery and viability of First Homes, this is not conclusive, and evidence from the development side is also inconclusive. Some representations made during the Regulation 19 consultation suggested that developers would find difficulty in delivering First Homes on existing sites due to viability concerns, and the Council's monitoring indicates that no First Homes have been secured to date. Whilst the policy is in its infancy, deliverability and viability questions have not been satisfactorily answered.

The proposed removal of First Homes seeks to balance the views raised in the representations. The approach taken by the policy more generally is covered in more detail at Matter 16.

Whilst the representation did not constitute an issue of 'general conformity', the pre-hearing modifications seek to address the GLA's concerns.

Tall Buildings

A number of Reps at the Regulation 19 stage e.g. comment IDs 251, 234, 582, 666, suggest LP4 is not in general conformity with the London Plan – mostly citing the Master Brewer Judicial review case as how the London Plan Policy D9 should be interpreted as their reasoning. Written Statement MM13 set out the Council's detailed reasoning as to why

⁷ [Written statements - Written questions, answers and statements - UK Parliament](#); 'where on-site affordable housing is required, a policy compliant application will have a minimum of 25% of affordable housing units on-site as First Homes'.

⁸ Paragraph: 013 Reference ID: 70-013-20210524; 'Policies for First Homes should reflect the requirement that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes'.

the approach is in general conformity noting that the GLA are also supporting of the Tall (and Mid-rise) building policy set out in LP4.

Does WLP meet all other legal requirements, specifically:

- Does the content and timescale for preparation of WLP accord with the latest version of the Local Development Scheme?**

Yes; the content and timescale for the preparation of the WLP accords with the latest version of the Local Development Scheme 2022. A revised Local Development Scheme (LDS) (SD-021) was produced in February 2022 for the period 2022-2025. The LDS was produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The content and key milestones for the programme of the Local Plan Full Review are on track and are set out in paragraph 3.1 of the LDS as follows:

What	When
Pre-Publication consultation on preferred options Plan and SA (Regulation 18)	January – March 2021
Publication consultation on the proposed submission version of the Plan and final SA report (Regulation 19)	January – February 2022
Submission of the Council's final version of the Plan to the Planning Inspectorate	Spring 2022
Independent Examination in Public	Summer/Autumn 2022
Inspector's Report	Autumn/Winter 2022
Adoption of the Local Plan	Spring/Summer 2023

This confirms that the submitted Plan, and that consulted upon at earlier stages of its preparation, including the Publication Local Plan (Regulation 19), are entirely consistent with the content and programme for production as outlined in the current LDS.

The LDS sets out the submission for Examination in spring 2022, which has been followed in line with the LDS (submitted 29th April 2022). Examination in Public is programmed for the period of summer/autumn 2022, with the Inspector's report being anticipated between autumn/winter 2022, followed by anticipated adoption (subject to the Inspector's findings) in spring/summer 2023. The timescales and key milestones following submission are dependent on a number of external factors that cannot necessarily be influenced by the Council, such as PINS processes and availability as well as the Inspectors' initial findings and number of MIQs in relation to a submitted Plan.

- ***Has WLP consultation complied with the Statement of Community Involvement and public consultation requirements in the Town and Country Planning (Local Plan) (England) Regulations 2012?***

Yes, the preparation of the Plan has followed the Statement of Community Involvement (SCI) (SD-032), with the exception of the elements that necessitated a change of some of the engagement mechanisms due to the Covid-19 pandemic as covered below. The Town and Country Planning (Local Plan) (England) Regulations 2012 were also met at each stage of plan preparation. The consultation on the submitted Plan has met the relevant statutory requirements, as set out in the Council's Consultation Statements for Regulation 18 and 19 stages (SD-004 and SD-011), as well as the additional Issues consultation, not prescribed by legislation, but described in the SCI, to get inputs as early as possible from interested parties to inform the Plan as set out in the Issues Document Consultation Statement (SD-013). There were 116 respondents, who made 642 comments to the Reg 19 consultation, on a range of issues and sites. The statutory requirements for notification of submission and the commencement of Hearings have also been undertaken.

The National Planning Practice Guidance (NPPG) was updated in early 2020 due to the COVID-19 pandemic. The NPPG provided guidance on how local authorities can review and update their Statements of Community Involvement to help combat the spread of coronavirus (COVID-19). The NPPG states: "Where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of coronavirus (COVID-19), the local planning authority is encouraged to undertake an immediate review and update the policies where necessary so that plan-making can continue."⁹ The updated NPPG then goes on to state that "The local planning authority should then make any temporary amendments that are necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable."¹⁰

In December 2020, in response to the updated NPPG, the Council brought into effect temporary changes to its SCI in respect of consultation arrangements on the draft Local Plan during the Covid-19 pandemic as set out in the Temporary Addendum December 2020. The amendments set out in this document were temporary and were initially meant to only apply

⁹ NPPG: Plan-making, Delivery of strategic matters, Statement of Community Involvement (Paragraph: 077 Reference ID: 61-077-201200513); <https://www.gov.uk/guidance/plan-making#covid19>

¹⁰ NPPG: Plan-making, Delivery of strategic matters, Statement of Community Involvement (Paragraph: 078 Reference ID: 61-078-201200513); <https://www.gov.uk/guidance/plan-making#covid19>

to the Council’s consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 on the draft Wandsworth Local Plan. However, they also applied to the Reg 19 stage due to the Covid-19 pandemic restrictions in place at that time. As part of the Reg 18 consultation the Council held several virtual events to increase engagement amongst those who are ‘seldom heard’ or ‘underserved’ by traditional statutory consultation methods. There was a particular emphasis on engaging young people and those who may not be familiar with the role of a planning department or the purpose of a Local Plan. The Council held eight events, each of which introduced the Local Plan and focused on one of seven area strategies across the borough. Through a mixed strategy, officers worked directly with some community groups, including schools and youth services; sent targeted invites to community groups; and shared some events with key contacts in the public. Given that the consultation was carried out during the pandemic, there was a need to be flexible and adapt to the changing needs of community groups, schools and the youth services we worked with. Events were designed in a workshop model to be light touch, conversational and welcoming. The format included a brief overview of the Local Plan development process; an interactive discussion and mapping activity; and a Q&A, followed by sign-posting to the formal comment process. The sessions were held using the video conferencing platform Zoom, and the digital whiteboard software, Miro. The Council received extremely positive feedback e.g: *“The workshop was extremely well run, with just the right mix of interactivity and presentation. Feeding back at the end was also very powerful. This was an invaluable experience for myself and my Year 13s.”* Teacher, Ark Academy Putney. The findings, as set out in para 3.14 of the Consultation Statement January 2022 (SD-004) were used to inform the Regulation 19 version of the Plan.

In recognition of the importance of visual and inclusive messaging about the Local Plan and following on from our previous digital engagement, the Council was also successful in securing £30,000 of Round 1 PropTech funding from The Department for Levelling Up, Housing & Communities in November 2021. The funding was used to support more digital planning engagement at the Regulation 19 stage of the Plan. The Council appointed a graphic design studio to produce illustrations that visualise parts of the process, including timelines and infographics, as well as resources and guides to help explain to role of planning policy and the process for developing a Local Plan.

Improvements to graphic design helped inform the later stages of the Local Plan process and has led to increased retention on web traffic after the illustrations were added to the relevant Local Plan pages. As the timeframe for the funding fell towards the latter stages of the Local Plan process, the graphic design outputs informed the publicity of the Regulation

19 consultation. This aimed to assist those who viewed the publicity at that time, to help communicate a greater understanding of terminology and process more generally. Overall, this represents our continued commitment to improve our Local Plan communications and engagement methods more broadly.

The Council's consultation statements clearly set out how the Council has undertaken public consultation and stakeholder involvement in the production of the Local Plan, including at Regulation 18 and Regulation 19 stages, in accordance with the Council's adopted SCI and the Town and Country Planning (Local Plan) (England) Regulations 2012. The statements also set out how consultation has shaped the Plan, along with the main issues raised by representors and the Council's response.

Overall, it is considered that consultation efforts have met and indeed exceeded those set out in the Council's SCI.

- ***Has WLP been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?***

The WLP has been subject to, and informed by, the process of Sustainability Appraisal (SA) throughout all of its stages. To support the commencement of the full review of the WLP, a Scoping Report (2016) was prepared by CAG Consultants. The Council reviewed the 2016 Scoping Report to ensure that the evidence base and objectives were up to date and to take account of any new evidence that has come forward since the preparation of the 2016 report. The outcomes of this were contained in the Integrated Impact Assessment of the Wandsworth Local Plan Revised Scoping Report (December 2018). Subsequently, all further plan making stages were subject to Sustainability Appraisal processes, which culminated in the two formal Sustainability Appraisal reports, one to accompany the Regulation 18 consultation (November 2020) and the final Sustainability Appraisal report for the Regulation 19 (January 2022) stage of the Local Plan.

Policy background

A sustainability appraisal is an iterative and systematic approach to assess the extent to which an emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The Planning and Compulsory Purchase Act 2004, requires a local planning authority to carry out a sustainability appraisal at each stage of plan-making. Sustainability appraisals incorporate Strategic Environmental

Assessments, ensuring that potential environmental effects are given full consideration alongside social and economic effects.

The National Planning Policy Framework (NPPF) states that local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements, including Strategic Environmental Assessment (SEA). The [National Planning Policy Guidance](#) (NPPG) provides further clarity on the need for SA and SEA in relation to plan development, giving a steer as to the level of detail required. This should not be done in any more detail that ‘is considered to be appropriate for the content and level of detail in a Local Plan’.

Scoping Report

At the outset of the Local Plan process in 2016, a Scoping Report was prepared and adopted to support the full review of the Local Plan. An [Integrated Impact Assessment](#) (SD-029) of the Scoping Report was then prepared to provide baseline information on the environmental, social and economic characteristics of the Plan area, including the likely evolution of the baseline position which would occur without the Plan. This Report sets out a methodology and framework for the assessment of the Local Plan review, which includes twenty sustainability appraisal objectives (grouped into nine topics) which are the basis for testing the policies and strategies of the emerging plan. The Scoping Report was shared with stakeholders and consultees alongside the [Issues Document](#) (SD-028) in December 2018 and feedback was integrated into the process.

Regulation 18 Sustainability Appraisal

The Regulation 18 Sustainability Appraisal report accompanied the publication of the Local Plan in November 2020. It provided a summary of the Scoping Report and identified the key environmental aspects of Wandsworth borough’s character, highlighting major environmental and heritage protections, flood risk and ecological considerations. It set out an overview of the sustainability appraisal objectives against:

- The key (Local Plan) Vision components;
- The environmental, economic and social objectives of the Local Plan;
- Each area strategy;
- All Local Plan policies.

In each testing scenario, the SA provides a commentary on the outcomes, and also comments on two alternative approaches (no policy and continuing the existing policy). In nearly a third of cases, a third scenario was also considered that provided an alternative

policy approach. This included a more restrictive approach to Policy LP4 (Tall Buildings), an approach to LP7 (Small Sites) that has no presumption against the loss of rear gardens, and adopting a higher housing target at LP24 (Provision of New Homes).

The Local Plan is required to meet the prescribed quantum of housing, employment and other land use set out for the borough in national, regional and other guidance, and consider the advice of statutory bodies and utilities who have an influence in the area. The Plan also has to consider designations of importance that affect the borough, such as parks, open space and heritage assets. To this extent, the Local Plan is already having to balance a number of relevant and important environmental, economic and social objectives.

In undertaking and completing the SA/SEA, it is not unsurprising to see that the plan's strategy is balancing these issues successfully, and the analysis of the appraisal tends to confirm this, as can be seen in the commentary of the SA reports. The assessment does, however, raise areas of conflict that need to be addressed (such as the potential for growth in private transport with further development, or the potential for greater noise and congestion; likewise the assessment does draw out possible conflicts in land use between, for example, providing new homes and maintaining local employment).

In general terms, there were no negative or very negative impacts arising from the plan, but doing nothing or continuing with current policy could, in some instances, have a negative impact. The SA also notes that, in some cases, mitigation will be required to offset any potential negative outcomes.

The SA report was issued with the Regulation 18 Plan and although it was not commented upon directly, representations were considered with any impact they may have on the plan and the assessment undertaken for the SA. Such comments included:

- Including a preference for retention of existing buildings where possible to minimise waste through demolition (Policy LP10, Responding to the Climate Crisis);
- Providing greater clarity on the scope for tall buildings outside of defined zones, thereby giving greater certainty to more sensitive historic areas (Policy LP4, Tall Buildings);
- Bringing the affordable housing expectation up to the London Plan standard across the borough, which had a positive impact on social inclusion measures (Policy LP23, Affordable Housing); and
- Bringing in active ground floor uses to purpose-built student accommodation (Policy LP28, Purpose Built Student Accommodation).

Regulation 19 Sustainability Appraisal

As mentioned above, SA is an ongoing and iterative process, which was continued throughout the process of developing the Regulation 19 Local Plan. During the refinement of the policies, taking account of representations received at the Regulation 18 stage, it became apparent that some key changes were proposed, not least the introduction of a policy to define the spatial development strategy to define the quantum and location of development (Policy SDS1). This policy proved important both in targeting development and defining the strategy, but also making clear those areas that were to be protected, emphasising policy compliance and potentially increasing the clarity of the sustainability objectives of the Plan.

The final SA report makes commentary on every individual policy within the plan. As well as comparing the proposed policy approach to a status quo position and a position with no policy, a large number of alternative scenarios were also considered in the assessment where necessary; sometimes an alternative approach was the one consulted on as part of the Regulation 18 Plan. This demonstrates a wider thinking in the development of the plan, and some of the options that were developed between the formal stages of consultation that were debated prior to the submission version being finalised (e.g. policies LP17, LP29, LP42).

The final Sustainability Appraisal report (SD-003), which includes a Non-Technical Summary, was made available alongside the Plan during the consultation period and was part of the package of submitted document.

- ***Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulations Assessment been carried forward in the WLP?***

Yes. The Screening Assessment of the Local Plan (SD-005) concludes in Section 8 that the assessment ‘has not identified any significant adverse effects on any Natura 2000 site; particularly Wimbledon Common SAC or Richmond Park SAC. Similarly, the Local Plan will not have an adverse impact on the integrity of these. Consequently, the Appropriate Assessment stage is not required on the Local Plan’.

The assessment against the criteria presented in Table 1 (Criteria to assist in determining adverse effects on European Sites) is set out in Table 2 which shows that the policy framework of the Local Plan will have no adverse impact on Wimbledon Common and Richmond Park SACs and consequently there are no essential recommendations made.

Natural England responded with supportive comments to the Regulation 19 version of the Plan:

‘After commenting on specific matters at the Regulation 18 stage, Natural England are satisfied that these comments have been addressed in this version of the local plan. We have no further comments on this draft of the local plan.’

- ***Has the preparation of WLP complied with the Town and Country Planning (Local Plan) (England) Regulations 2012?***

Yes the Plan has been prepared fully in compliance with the Town and Country Planning (Local Plan) (England) Regulations 2012. Full details of compliance with the statutory procedures are set out in the Council’s Legal Compliance Checklist (SD-016) and the Soundness Self-Assessment (SD-015).

In addition, the Council’s three Consultation Statements - SD- 013 (Issues Document), SD-004 (Pre-Publication Version) and SD-011 (Publication Version Regulation 22 Statement) cover the non-statutory scoping consultation, Regulation 18 consultation and Regulation 19 consultation set out that all statutory procedures and regulations in relation to the publication and availability of documents, advertisements and notifications have been complied with.

No relevant body contends that the Duty to Co-operate has not been complied with. See the Council’s Duty to Co-operate Statement (SD-012) and question 2 below.

- ***Does the ‘policies map’ correctly illustrate geographically the application of policies of the WLP?***

The Policies Map Publication Version (SD-010) illustrates geographically the application of policies in the Plan in accordance with the NPPG. A full review of the existing Policies Map document was conducted, and the proposed amendments can be viewed in the Policies Map Changes Document (SD-026). These changes were proposed in consultation with various internal colleagues and external consultants to ensure they accord with the policies in the WLP. Both the Policies Map Publication Version and the Policies Map Changes documents are to be considered robust and to correctly illustrate geographically the application of policies of the WLP. They have been tested through the Regulation 18 and Regulation 19 Consultations and are considered to be sound.

Further amendments following the Regulation 19 Consultation have been captured in the Schedule of Representations on the Publication (Regulation 19) Local Plan and the

Council’s Responses – Appendix 1: Proposed Mapping Changes (WBC-008) which could be included as part of the Examination in Public to ensure the policies map correctly illustrates geographically the application of policies of the WLP. The Wandle Delta Masterplan Area boundary, as illustrated in the Supplementary Planning Document (SD-076), should be included in any future version of the policies map. The policies map should also be amended to include the most up to date flood mapping information as this was not included due to an administrative error.

Consistent with National Policy

Does WLP accord with national policy plan making in the NPPF, specifically:

- ***Does WLP contribute to the achievement of the three dimensions of sustainable development – economic, social, and environmental?***

The National Planning Policy Framework advocates for a planning system that contributes to the achievement of sustainable development. There are three overarching, independent and mutually supportive objectives within this – economic, environmental and social – which mean opportunities for net gains can be taken across all three.

The economic objective ensures a strong, responsive and competitive economy, and seeks to make sure sufficient land of the right type is available in the right places at the right time to support growth and productivity. The social objective looks to support strong and healthy communities by providing homes and fostering well-designed, beautiful and safe places with accessible services and open spaces that together support well-being. The environmental objective seeks to protect and enhance the natural and built environment, which includes making good use of land, using resources prudently, minimising waste and pollution and adapting to climate change.

The National Planning Policy Framework has, at its heart, a presumption in favour of sustainable development. This does not, however, change the status of the development plan as the starting point for decision making. Plan making is required to apply a presumption in favour of sustainable development and promote a sustainable pattern of development that meets the objectively assessed housing and other needs of an area whilst aligning growth and infrastructure, improving the environment and mitigating / adapting to climate change. This should be done whilst protecting assets of recognised importance. The NPPF recognises that the scale of development may adversely affect an area or need to be restricted in some cases. One means of ensuring that sustainable development is central

to plan making is the requirement for plans to be informed throughout their preparation by a sustainability appraisal.

The WLP recognises the presumption in favour of sustainable development very early in the Plan (para 1.7). The opening paragraphs of the Plan (‘Setting the Scene’) set out concisely all of the limitations and requirements that the Plan is operating within and also acknowledge the ambitions of the Council itself within the broader framework. This opening sequence is also very clear that the Local Plan is accompanied by a Sustainability Appraisal which, like the Plan itself, has been open to comment. The Sustainable Appraisal is discussed in a question above.

Section 2 of the Plan draws a spatial portrait of the borough, recognising that the Plan needs to respond to the specific characteristics it has based upon its geographic location and wider context. These characteristics include its distinct demographics, its current economy, its particular towns and neighbourhoods and its environmental context. Inevitably drawn into this is Wandsworth borough’s unique history derived from the pattern of waterways, open spaces, contours and connections that have attracted people to settle and make their livelihoods in the areas through history, contributing to constant change, innovation and development of the place.

Having placed the Local Plan, as the Council’s expression of its strategic planning ambitions, in the context of the Council’s other strategies, the Plan sets out a Vision underpinned by a series of social, economic and environmental objectives from which the policies of the plan emerge. The policies themselves are grouped by topic, all of which have cross-cutting implications for social, economic and environmental considerations (e.g. housing and its distributions, design and place, supporting town centres, protecting the green and blue environment etc).

- ***Has it been positively prepared ‘in a way that is aspirational but deliverable?’ (paragraph 16 of the NPPF)***

Yes the Plan has been positively prepared in accordance with Paragraph 16 of the National Planning Policy Framework (NPPF).

It provides a framework for addressing housing needs and other economic, social and environmental priorities, with the objective of contributing to the achievement of sustainable development. It is positively prepared with an emphasis on deliverability and has been shaped by early, proportionate and effective engagement as set out in the Regulation 22 Consultation Statement (SD-011). A specific effort has been made to avoid duplication with

London Plan policies and those in the NPPF. Once adopted, the Plan and Policies Map will be made accessible using the digital tools available to the Council.

The Plan contains a Vision and Objectives, Place Making policies in the form of Area Strategies and Site Allocations and Development Management policies which are positively prepared, clear and justified with appropriate evidence. Together these elements provide a positive, aspirational and deliverable Plan for the future of the borough, addressing a number of housing, social, economic and environmental priorities, in conformity with national policy and considered to be in general conformity with the London Plan. The Council's Whole Plan Viability Assessment (SD-052) concludes that the Local Plan is realistically deliverable. "That is, policy requirements are considered to not unduly burden the delivery of development in Wandsworth borough, including the delivery of the site allocations, which would be required to meet the aims of the Local Plan" (paragraph 8.10). Similarly, the Nine Elms Battersea Development Infrastructure Requirements Refresh Study 2019/2020 (November 2021) found that "there will be sufficient funding available from development within the NEB to fund infrastructure" (paragraph 8.2.4).

The Council has undertaken a comprehensive Housing and Economic Land Availability Assessment (SD-047)) that sets out the delivery of the Site Allocations in the short, medium and long term over the Plan period to meet housing and other needs alongside other site capacity.

The Plan is justified by the evidence, including national policy. The Council considers that the Plan is in general conformity with the London Plan, and has accounted for representations from and dialogue with a wide variety of contributors including community groups and other local authorities.

The Council have also produced documents to assist delivery of identified housing and economic capacity alongside the Plan such as the Wandsworth Town Delivery Framework and Wandle Delta Supplementary Planning Document and identified future masterplanning work in its key growth areas (e.g. Clapham Junction Opportunity Area) to act as a catalyst for the enhancement of an area.

- ***Is WLP consistent with the NPPF in all other respects? Or if not, what is the justification for any inconsistency?***

Yes the Local Plan is consistent with the NPPF in all other respects. There are a number of representations which state matters of inconsistency between the NPPF and the Local Plan. These are considered below:

LP4 – Comment ID 153, 234 251, 259, 368.

LP 33 – Comment ID 33, 154.

LP34 – Comment ID 33.

LP35 – Comment ID 618, 33.

LP46 – Comment ID 147.

LP 54 – Comment ID 224.

Policies LP4 (Tall and Mid-Rise Buildings). The approach taken is considered appropriate and justified, and is consistent with the NPPF including making efficient use of land in Paragraph 124 and design/place-making criteria of Paragraph 130;

Policies LP33 (Promoting and Protecting Offices), LP34 Managing Land for Industry and Distribution & LP35 Mixed-Use Development on Economic Land. The approach taken is considered appropriate and justified, and is consistent with the NPPF Paragraph 82, which requires the identification of sites to match the borough's economic strategy and to meet anticipated needs over the plan period;

Policies LP46 (Visitor Accommodation) – The approach taken is considered appropriate and justified, and is consistent with the NPPF. However the Council has proposed two main modifications to clarify that in LP46 A: new or the extension of existing visitor accommodation will be supported, and in LP46 B: national policy would be applied in respect of the sequential assessment so as to clarify that edge-of-centre locations should be sequentially tested first before out-of-centre sites. See proposed modifications PPMM/110 and PPMM/111 of the Schedule of proposed main modifications (WBC-10).

LP54 (Open Space, Sport and Recreation) - The approach taken is considered appropriate and justified, and is consistent with the NPPF however wording of LP54 is proposed to be updated to clarify that replacement open space is required of equivalent or better provision in terms of quantity and quality and that reference be added to the Built Facilities Study (yet to be finalised and therefore not within the evidence base). See proposed modifications PPMM/120 and PPMM/121 of the Schedule of proposed main modifications (WBC-10).

- ***Are there any policies within WLP which are Strategic Policies, and should they be identified as such?***

NPPF Paragraphs 20 - 23 were used in deciding which of the Local Plan Policies are considered to be Strategic – these are set out in Para 1.12 of the Local Plan.

In light of some of the Regulation 19 Reps (e.g. ID 526, 272, 497) requesting that Policy LP4 (Tall and Mid-rise Buildings) be included in the Plan as Strategic Policy, if the Inspectors are minded that it should be then the Council would not have an issue with this and a main modification in this regard could be suggested.

- ***Do the policies in WLP provide a clear indication of how a decision maker should react to a development proposal?***

Yes the policies of the Local Plan provide a clear indication of how a decision maker should react to a development proposal. The Policies of the Local Plan are clearly set out and relate to the Vision and Objectives of the Plan. The Area Strategies provide a framework for the Site Allocations and supplement the implementation of the borough-wide policies , which is set out in paragraph 3.3.

The Council consider that the Policies are in accordance with Paragraph 16 of the NPPF, which requires that they are, '*clearly written and unambiguous*', and drafted in such a manner that it is '*evident how a decision maker should react to development proposals*'. Policies are positively worded unless local evidence suggests an alternative approach, and – where appropriate – set out the requirements for decision makers using a criteria-based approach. The thresholds to which a policy applies are clearly set out. The justification for each policy and how it will apply is clearly set out within the relevant supporting text.

The policies are clearly linked to the relevant environmental, social and economic objectives of the Local Plan, as set out in Chapter 2. These objectives, support the achievement of the Local Plan's vision and which form the basis of its spatial strategy. The Council has assessed the clarity and intent of the policies using the PAS Soundness Self-Assessment Checklist (SD-015), and in particular Q44 which asks 'Are the objectives the policies are trying to achieve clear, and can the policies be easily used and understood for decision making'.

Following the public consultation on the Pre-Publication (Regulation 18) Local Plan, changes were made to Policies, including to expressly address matters of clarity. The Council's

detailed responses and the outcome of the representations submitted with respect to the Local Plan are set out in the Council's Statement of Consultation Regulation 18, Appendix 5: Responses to Local Plan Pre-Publication Consultation and Officer Comments (SD-004).

The Publication (Regulation 19) Local Plan (SD-001) has been submitted to the Secretary of State for examination. However, the Council has reviewed the representations received and have set out detailed comments within the Schedule of Representations on the Publication (Regulation 19) Local Plan and the Council's Responses (WBC-007 and WBC-008). The responses identify, where considered appropriate, a small number of specific changes to the wording of policies. An example of this includes matters of clarification associated with policy interpretation. These are set out within the Schedule of representations (WBC-007) and for those which the Council agrees a change is required, the proposed main modifications (WBC-10).

The latter include the below:

PM1 – Area Strategies and Site Allocations Compliance – (Comment ID 501, 565) – addressed via proposed main modification PPMM/001.

LP55 – Biodiversity (Comment ID 610) – addressed via proposed main modification PPMM/122.

Kirtling Street Cluster (Comment ID 360,361, 362, 363) – addressed via proposed main modification PPMM/029.

A number of additional modifications have also been proposed in document WBC-11.