**Waltham Forest Local Plan LP1**

Tuesday 15 March 2022 starting at 10.00am and 2.00pm

**Agenda**

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| Please Note:* All participants are encouraged to familiarise themselves with the Hearing Statements (and any relevant evidence) produced by the Council and other parties in respect of the matters addressed at this session. These are available on the examination website.
* The Matters, Issues and Questions are attached for ease of reference. The areas for discussion relate to points on which the Inspectors require further information or clarification.
* The morning hearing session will finish no later than 1pm, including a mid-morning break. The afternoon hearing session will finish by 5pm, including a mid-afternoon break.
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1. **Inspectors’ Opening and Introductions**
2. **Council’s opening statement**
3. **Matter 1: Duty to Cooperate, Habitats Regulations Assessment and Other Legal Requirements**

**Key Documents**

Duty to Cooperate Statement (April 2021) (KD7)

Duty to Cooperate Addendum (LPE2)

Statements of Common Ground (LPE3)

Habitats Regulations Assessment (April 2021) (KD5.1)

Habitats Regulations Assessment Topic Paper (LPE4)

Sustainability Appraisal (KD4)

Local Development Scheme (KD10)

Statement of Community Involvement (KD11)

Modifications Table (LPE5)

**Issue 1 - Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan**

*Key Areas for Discussion:*

* The range of strategic matters as set out in the Duty to Cooperate Statement (KD7) and its Addendum (LPE2) and the Council’s hearing statement (Questions 1 – 3) and the outcomes of cooperation in relation to:
* Housing
* Infrastructure
* Economy and employment
* Transport
* Climate change
* Natural environment
* Heritage and culture
* Minerals and waste
* The evidence and Statements of Common Ground in connection with the Duty to Cooperate (Question 4)
* Are there any outstanding matters in relation to the Duty to Cooperate?

**Issue 2 - Whether the requirements of the Conservation of Habitats and Species Regulations 2017 have been met (Questions 8 – 12)**

*Key Areas for Discussion:*

* Policy 83 (The Epping Forest and the Epping Forest Special Area of Conservation) – proposed main modifications (SOPCO94 & 95 in LPE5) and the threshold for developer contributions to Suitable Alternative Natural Greenspace
* Whether the strategy documents are sufficiently developed to justify the conclusion of the Habitats Regulations Assessment (KD5.1) that the plan, alone or in combination will not result in an adverse effect on the integrity of Epping Forest Special Area of Conservation and the Lee Valley Special Protection Area/RAMSAR:
* The Mitigations Supplementary Planning Document
* The Suitable Alternative Natural Greenspace Strategy

* The Strategic Access Management and Monitoring Strategy
* The Air Quality Mitigation Strategy

**Issue 3 - Whether the Plan has been informed by Sustainability Appraisal**

*Key Areas for Discussion:*

* How the Sustainability Appraisal has informed the preparation of the plan at each stage and whether the Report [KD4.1 – KD4.7] clearly explain this process (Question 14)
* Testing reasonable alternatives (Questions 15 and 16)
* Have the requirements of the Strategic Environmental Assessment Directive been met? (Question 17)

**Issue 4- Whether the Plan has been prepared in compliance with other legal requirements**

*Key Areas for Discussion*

* The Local Development Scheme (Question 18)
* Consultation and the Statement of Community Involvement (Question 19)
* Climate Change (Question 20)
* Equalities (Question 21)
* The London Plan, Neighbourhood Plans, and superseded policies (Question 22)
* Strategic and non-strategic policies (Question 23)

**Review of Matter 1 main modifications necessary for the soundness of the plan**

1. **Close by 5pm**

**MATTERS ISSUES AND QUESTIONS**

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| **MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS** |

**Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan**

Q1 What are the relevant strategic matters that have arisen through the preparation of the Plan (defined as matters having a significant impact on at least two planning areas[[1]](https://ukc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DGB&rs=en%2DUS&wopisrc=https%3A%2F%2Fpinso365-my.sharepoint.com%2Fpersonal%2Fcatherine_jack_h1_planninginspectorate_gov_uk%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F2b41be032b7744a98c08cd359ea963b7&wdenableroaming=1&mscc=1&wdodb=1&hid=442626A0-807F-3000-E465-33B49C7ED896&wdorigin=ItemsView&wdhostclicktime=1646318285368&jsapi=1&jsapiver=v1&newsession=1&corrid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&usid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftn1))?

Q2 Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an on-going basis with neighbouring authorities and the other prescribed bodies on these relevant strategic matters and what form has this engagement taken?

Q3 What outcomes have resulted from engagement and cooperation

on the relevant strategic matters and how have these informed the Plan’s policies, including in relation to:

1. Housing
2. Infrastructure
3. Economy
4. Heritage and Culture
5. Green Infrastructure and the natural environment
6. Transport
7. Minerals

Q4 Is the process of cooperation demonstrated with clear evidence, including Statements of Common Ground as expected by NPPF paragraph 27 and the Planning Practice Guidance? Do the Statements of Common Ground identify the relevant strategic matters, actions in relation to cross boundary issues, and the outcomes of actions taken?

Q5 Have any significant concerns been raised in terms of compliance with the Duty to Cooperate?

Q6 Are there any relevant strategic matters that have not been considered on a cross-boundary basis? If so, why?

Q7 In overall terms, is there evidence to demonstrate that, during the preparation of the Plan, the Council has engaged constructively, actively and on an on-going basis with relevant authorities and prescribed bodies on relevant strategic matters? Has the Duty to Cooperate been met in a manner consistent with paragraphs 24 - 27 of the Framework?

**Issue 2 - Whether the requirements of the Conservation of Habitats and Species Regulations 2017 have been met**

Q8 Is the Habitats Regulations Assessment [KD5] robust and does the Plan include all the recommendations identified as necessary to ensure compliance with the Regulations?

Q9 The Habitats Regulations Assessment identifies that, without mitigation, the Plan could result in likely significant (adverse) effects on the Epping Forest Special Area of Conservation, both alone and in combination with growth in neighbouring areas, in terms of air pollution, recreational pressures, and urban effects. The Habitats Regulations Assessment also identifies that development of small sites adjacent to the Lee Valley Special Protection Area and Ramsar could have adverse urban effects.

1. What are the implications for Habitats Sites arising from the spatial and growth strategy set out in the Plan, both alone and in combination with other plans and projects?
2. Has the Suitable Alternative Natural Greenspace Strategy referred to been prepared and what is the up to date position in relation to the Strategic Access Management and Monitoring Strategy?
3. Has the Air Quality Mitigation Strategy referred to been prepared?
4. Has the avoidance of harm to relevant Habitats Sites been considered before mitigation or compensation? If not, should it have been?

Q10 Have any concerns been raised about the Habitats Regulations Assessment and, if so, what is the Council’s response to those? How has Natural England been involved and what is its current position?

Q11 Have the necessary mitigation measures to avoid adverse effects on the integrity of designated sites been incorporated into the Plan’s policies?

Q12 Overall, have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?

Q13 Are any main modifications necessary for legal compliance?

**Issue 3 - Whether the Plan has been informed by Sustainability Appraisal**

Q14 Is it clear how the Sustainability Appraisal [KD4] has informed the preparation of the Plan’s strategies and policies at each stage, and how mitigation measures have been dealt with?

Q15 Does the Sustainability Appraisal robustly test the Plan against reasonable alternatives, including in terms of the scale of housing and employment growth set out in Policy 2 and its broad distribution set out in Policy 4?

Q16 What alternative spatial strategy options were considered and is it clear why they were discounted? Where it is considered that there are no reasonable alternatives, is this clearly explained and justified?

Q17 Have any concerns been raised about the Sustainability Appraisal and, if so, what is the Council’s response to those? Have the requirements of the Strategic Environmental Assessment Directive been met?

**Issue 4 – Whether the Plan has been prepared in compliance with other legal requirements**

Q18 Has the Plan been prepared in accordance with the adopted Local Development Scheme [KD10] in relation to its scope, timescale, and content?

Q19 Has consultation on the Plan been carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council’s adopted Statement of Community Involvement [KD11]?

Q20 Does the Plan include policies designed to secure that the development and use of land in the Borough contributes to the mitigation of, and adaption to, climate change in accordance with the legislation?[[2]](https://ukc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DGB&rs=en%2DUS&wopisrc=https%3A%2F%2Fpinso365-my.sharepoint.com%2Fpersonal%2Fcatherine_jack_h1_planninginspectorate_gov_uk%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F2b41be032b7744a98c08cd359ea963b7&wdenableroaming=1&mscc=1&wdodb=1&hid=442626A0-807F-3000-E465-33B49C7ED896&wdorigin=ItemsView&wdhostclicktime=1646318285368&jsapi=1&jsapiver=v1&newsession=1&corrid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&usid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftn2)

Q21 In what ways has Plan preparation and its content had regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

Q22 Has the preparation of the Plan complied with the Planning and Compulsory Purchase Act 2004 (as amended) Part 2 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in all other respects, including in terms of:

1. Confirmation of general conformity with The London Plan 2021
2. Having regard to the Planning Practice Guidance[[3]](https://ukc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DGB&rs=en%2DUS&wopisrc=https%3A%2F%2Fpinso365-my.sharepoint.com%2Fpersonal%2Fcatherine_jack_h1_planninginspectorate_gov_uk%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F2b41be032b7744a98c08cd359ea963b7&wdenableroaming=1&mscc=1&wdodb=1&hid=442626A0-807F-3000-E465-33B49C7ED896&wdorigin=ItemsView&wdhostclicktime=1646318285368&jsapi=1&jsapiver=v1&newsession=1&corrid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&usid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftn3) that the preparation of the Plan should take into account policies and proposals in Neighbourhood Plans
3. Making clear which policies will be superseded if it is adopted.

Q23 Paragraph 1.12 of the Plan states that all the Plan’s policies are strategic – is that justified and appropriate? What would the implications be for the preparation of any new Neighbourhood Development Plans?

Q24 Has Plan preparation had regard to the additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?

[[1]](https://ukc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DGB&rs=en%2DUS&wopisrc=https%3A%2F%2Fpinso365-my.sharepoint.com%2Fpersonal%2Fcatherine_jack_h1_planninginspectorate_gov_uk%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F2b41be032b7744a98c08cd359ea963b7&wdenableroaming=1&mscc=1&wdodb=1&hid=442626A0-807F-3000-E465-33B49C7ED896&wdorigin=ItemsView&wdhostclicktime=1646318285368&jsapi=1&jsapiver=v1&newsession=1&corrid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&usid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftnref1) S33A(4) of the Planning and Compulsory Purchase Act 2004

[[2]](https://ukc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DGB&rs=en%2DUS&wopisrc=https%3A%2F%2Fpinso365-my.sharepoint.com%2Fpersonal%2Fcatherine_jack_h1_planninginspectorate_gov_uk%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F2b41be032b7744a98c08cd359ea963b7&wdenableroaming=1&mscc=1&wdodb=1&hid=442626A0-807F-3000-E465-33B49C7ED896&wdorigin=ItemsView&wdhostclicktime=1646318285368&jsapi=1&jsapiver=v1&newsession=1&corrid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&usid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftnref2)Section 19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended)

[[3]](https://ukc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DGB&rs=en%2DUS&wopisrc=https%3A%2F%2Fpinso365-my.sharepoint.com%2Fpersonal%2Fcatherine_jack_h1_planninginspectorate_gov_uk%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F2b41be032b7744a98c08cd359ea963b7&wdenableroaming=1&mscc=1&wdodb=1&hid=442626A0-807F-3000-E465-33B49C7ED896&wdorigin=ItemsView&wdhostclicktime=1646318285368&jsapi=1&jsapiver=v1&newsession=1&corrid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&usid=89b5133e-505f-4176-b8ee-b7d2e7dcfeb4&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&rct=Medium&ctp=LeastProtected#_ftnref3) PPG Reference ID 61-006-20190723