



# **'Shaping the Borough' - Waltham Forest Local Plan (LP1) Examination**

## **Response to the Inspectors' Matters, Issues & Questions**

### **Matter 1: Duty to Cooperate and Other Legal Requirements**

January 2022

***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)?**

Strategic matters have been identified and defined per SA33A (4) of the Planning and Compulsory Purchase Act 2004 as follows:

- i) The mitigation of in-combination recreational and air quality pressures on the Epping Forest SAC / SSSI arising from the plans and projects of Waltham Forest and its neighbours, namely Epping Forest District Council; the London boroughs of Redbridge, Newham, Haringey, Hackney and Enfield; the City of London Conservators and the London Legacy Development Corporation (LLDC).
- ii) The mitigation of recreational pressures on the Lee Valley Regional Park SSSI / RAMSAR involving the Lee Valley Regional Park Authority (LVRPA) , the LLDC and the London boroughs of Newham, Haringey, Hackney and Enfield.
- iii) The identification and confirmation of the borough’s housing need through the Greater London Authorities Strategic Housing Land Availability Assessment (SHLAA) which aligns with the Council’s Growth Capacity Study (2018) which identify the significant capacity for new homes in the borough over the Local Plan Period.
- iv) The development of a policy framework to address the strategic issue climate change following the climate emergency declared by the Council in April 2019.

**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?**

The Council has maintained a rolling program of continued engagement and collaborative working with neighbouring authorities, the GLA and other prescribed bodies under the statutory duty-to-cooperate. This has been conducted through a series of formal and informal meetings and workshops to address the key issues detailed in question 1.

The Council are active respondents to the Local Plan Consultations of neighbouring authorities, to ensure cross boundary policy consistency.

Evidence of meetings held under duty to cooperate is detailed in the Council's submission to the Inspectors Preliminary Questions (LPE2)

**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:**

i. **Housing:** Other boroughs approached Waltham Forest to accommodate unmet housing need. The Council has declined as the requirement proposed in the plan meets as far as possible the identified housing need but does not identify supply to exceed and take on need from other authorities. A further increase in proposed development would increase pressure on infrastructure and the Epping Forest SAC and Lee Valley Regional Park.

ii. **Infrastructure:** The Council has engaged with the NHS Clinical Commissioning Trust and Barts Health Trust on proposals to replace Whipps Cross Hospital with a modern fit for purpose facility. This forms a key part of the infrastructure for growth agenda (Policy 3) and facilitated the recent resolution to grant to redevelop the hospital. Similar engagement will be used to secure health infrastructure improvements in the borough.

iii. **Economy:** The Local Plan aligns with the London Plan regarding the economic growth and development coming forward in the Local Plan period. The outcome of continued engagement with the GLA has a significant impact on the way in which our policies enable growth to come forward in the borough especially in the Strategic Industrial Locations (SIL).

**iv. Heritage and Culture**

**Heritage:** The Council has reviewed the boroughs' Archaeological Priority Areas. This report and the dialogue with Historic England helped to shape Policy 75 (Archaeological Assets and Archaeological Priority Areas) and Policy 76 (Non-Designated Heritage Assets).

**Culture:** Waltham Forest was awarded the first London Borough of Culture in 2019 and are considered leaders in cultural development. The Council has been able to build on the legacy of this status in the policy of the local plan and are willing to engage with other authorities to enhance their Cultural and Creative offer.

v. **Green Infrastructure and the Natural Environment.** The Council has worked closely with neighbouring authorities and has formed effective working relationships with Natural England (NE) and the City of London Conservators of Epping Forest (CoLC) to develop a strategic solution to deliver in-perpetuity mitigation measures for the Forest. These comprise joint Strategic Access Management and Monitoring Strategies (SAMMS) contributions and a Suitable Alternative Natural Green Space

(SANGS) Strategy. This work facilitates cross boundary working through Statements of Common Ground.

vi. **Transport:** The Council has engaged with TfL, Network Rail and TfL Commercial Development in the development of Local Plan policies. Presently TfL control public transport in the borough and most of the major arterial routes including the A406. Network Rail manage railway land that is not part of London Underground Operations (The Central Line and Victoria Line). The Council is engaging with Network Rail on proposals to open a new station at Ruckholt Road. Waltham Forest is also a Highways Authority and much of the development of the borough's road network has been done in-house.

vii. **Minerals:** Although the London Borough of Waltham Forest is a unitary Minerals Authority, there are no extractable minerals in the borough. The Council regularly engages with Essex County Council including in the preparation of the Essex County Council's Essex Minerals Local Plan. Further information on this matter is provided in the Council's response to the Inspectors' Preliminary Matters document (LPE2, page 23).

**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?**

The Council has completed Statements of Common Ground with each of the neighbouring authorities and statutory consultation bodies per NPPF/PPG requirements. This is detailed in the Council's response to the Inspectors' Preliminary Questions (LPE3). These documents identify the relevant strategic matters and actions in relation to cross boundary issues. As the Local Plan is being prepared in alignment with the London Plan, there is broad agreement from neighbouring London Boroughs on the approach taken. With the neighbouring authorities outside of the London context (Epping Forest District Council, Essex County Council and the Lee Valley Regional Park Authority (LVRPA) we have agreed to collaborate on an ongoing basis in developing strategies to mitigate the in-combination impact of recreational and air quality pressures on the Epping Forest SAC and on the Lee Valley Regional Park.

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

London Borough of Redbridge refer to this matter in their representation of 10th December 2020 following a change of personnel in that authority. Officers have maintained engagement with the London Borough of Redbridge on matters including the Epping Forest SAC and the redevelopment of Whipps Cross Hospital as reflected in the Statement of Common Ground signed by both authorities on 20 July 2021.

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

The Council confirms that all cross-boundary strategic matters have been considered as part of the preparation of this Local Plan. There has been an active programme of engagement with neighbouring authorities throughout the plan making process where all cross-boundary issues have been disclosed under the duty-to-cooperate to assist with making the policies in the Local Plan sound. Evidence of this can be found in the Regulation 22 Consultation Statement (KD6.1)

**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?**

The Council's evidence is provided at KD6, KD6.1 and KD6.2. The Council believes that there is sufficient evidence demonstrating that during the Local Plan preparation the Council has engaged on an ongoing basis with relevant authorities and prescribed bodies on all key relevant strategic matters identified. The Council believes that it has met the Duty-to-Cooperate matter in a manner consistent with para's 24-27 of the NPPF.

**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?**

The Habitats Regulations Assessment [KD5] is robust for the following reasons:

- The assessment has been undertaken by appropriately qualified professionals led by ClearLead Consulting Ltd and supported by HT Ecology Ltd.
- Elements of the plan have been screened at appropriate points in the plan development process, including strategic options, Regulation 18, Regulation 19 and submission modifications.
- The precautionary principle has been followed.
- NE and CoLC have been consulted and engaged with regularly on the outputs of the HRA and on proposed methodologies (see answer to Question 10 for further details).
- Thorough assessment of likely significant effects of LP1 has been undertaken; and
- At commencement, the initial HRA was undertaken without mitigation measures at screening stage, per Sweetman. Consequently, where potential adverse effects have been identified, mitigation measures have been put forward to address the potential effects. All recommendations made in the HRA have been accepted, such as changes to policy wording (Policies 83 and 84) relating to Epping Forest SAC and Lee Valley Regional Park. Mitigation strategies have been recommended and are being prepared.

**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.**

**i. 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?**

The completion of the Waltham Forest Suitable Alternative Natural Greenspace (SANG) Strategy, along with the EFDC's SANG Strategy and the Waltham Forest LP1 policy wording, enable the conclusion that the Waltham Forest LP1 will have no adverse effects on the integrity of Epping Forest SAC with regards to recreational pressure when assessed in combination with the EFDC Local Plan.

**Urbanising/recreation impacts** - policy wording was proposed at the draft plan stage to ensure the LP1 contains a mechanism to protect the SAC from disturbance once further project details are known. This wording has now been included within Policy 83 - The Epping Forest and the Epping Forest Special Area of Conservation. Proposed mitigations include additional SAMM+ contributions. Guidance on what project-level HRAs should consider and what the mitigation strategies should contain is provided in Section 9 of the HRA Report. Appropriate Assessment concludes that the Waltham Forest LP1 will have no adverse effects on the integrity of Epping Forest SAC as a result of urban effects arising from the Local Plan policies both alone and in-combination.

**Air quality** - The air quality study has identified a potential adverse effect on Epping Forest SAC from predicted increases in traffic on roads within 200m of the Epping Forest SAC. An Air Quality Mitigation Strategy (AQMS) is under development which will present mitigation to avoid the predicted increase in air pollution identified in the air quality study. The AQMS is based on modelling which will ascertain the predicted effectiveness of the mitigation measures in addressing potential increases in traffic and air pollution to the extent that they will not harm the habitats in Epping Forest SAC. With the AQMS in place it will be possible to conclude that there will be no adverse effect on the Epping Forest SAC from air pollution as a result of LP1.

The mitigation measures include the policies in LP1 which limit car parking and servicing in new developments, facilitate an increase in electric car use and modal shift to walking and cycling. In conjunction with the existing Enjoy Waltham Forest active travel programme and local plan policies which seek to minimise car use and ownership, the Council has taken additional steps in promoting avoidance and mitigation from plan to decision level. Of the 75 sites contained in the LP2 Site Allocations Document, approximately 20, totalling 76ha in area will involve the redevelopment of extensive car parking areas to provide 12,596 new homes and supporting green infrastructure. Recent applications for the development of large sites (eg the Lea Bridge Station sites ref. 212685) have been conditioned to ensure that deliveries and general servicing is kept to a minimum through the use of enforceable measures such as

plans covering construction and logistics and the formation of food shopping clubs within the development to minimise road use.

**ii. 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?**

The Suitable Alternative Greenspace Strategy is presently in negotiation and preparation stage in work involving internal (Parks) and external stakeholders (NE, CoLC LVRPA). Once complete this will form a key part of the Mitigations SPD. Until this is agreed, applicants proposing 100+ unit schemes are encouraged to engage with NE and CoLC in setting the scope for mitigation using the interim 2019 Leyton SANGS strategy as a template and to continue this engagement through the application process. As the new SANG Strategy is agreed, it will supersede and absorb all of the elements of the interim strategy.

The SAMMS Strategic Solution is a partnership of a number of authorities based on the Essex RAMS. This is an agreement brokered by NE and which provides the governance arrangements under which contributions are collected and disbursed to the City of London to carry out an agreed and costed programme of SAMMs measures. This new agreement will formalize existing interim arrangements put in place in 2018 and agreed with Natural England.

Officers have added the new agreement to the Cabinet Forward Plan for March 2022, and it is anticipated that all of the other participating authorities will have done the same.

**iii. Has the Air Quality Mitigation Strategy referred to been prepared?**

An Air Quality Mitigation Strategy has been prepared by consultants between April and July 2021 in support of the HRA (see Q9i). The strategy contains mitigation measures to avoid the predicted increase in air pollution identified in the Air Quality Assessment (May 2021).

The scope of the AQMS was discussed with Natural England and City of London Conservators of Epping Forest, on 27/01/21. The measures contained within the strategy includes the policies in LP1 which limit car parking in new developments, facilitate an increase in electric car use and facilitate a modal shift to walking and cycling.

The draft Air Quality Mitigation Strategy was provided to Natural England and the City of London Conservators of Epping Forest on 06/07/21 for

comment. Detailed comments from Natural England were provided on 14/07/21 via email which had been informed by air quality specialists within the organisation. A response was returned by the consultants in order to clarify some comments and in response, further comments were provided by Natural England and a meeting was offered to discuss the comments.

The offer of a meeting by Natural England was taken up by LBWF on 09/09/21 in an email but could not be suitably resourced by Natural England until 10/12/21. In the meeting (in video call format) on 10/12/21, the comments provided by NE in the emails dated 14/07/21 and 06/08/21 were discussed between LBWF officers and their HRA consultants and clarifications were provided. The consultants have since been preparing amendments to the Air Quality Assessment (May 2021), the Air Quality Mitigation Strategy (July 2021) and an addendum to the Local Plan Part 1 HRA Report (May 2021).

The amendments suggested by Natural England which the consultants are currently actioning are as follows:

- Provide visual / spatial presentation of extent of critical load exceedances identified (i.e., isopleth maps).
- Review the background data obtained from Defra within the Air Quality Assessment and use data from APIS instead, which is what NE typically use in such assessments.
- Review meteorological data used in the Air Quality Assessment and ensure appropriate data is used (3-5 months is suggested by NE).
- Prepare a statement setting out how HRA guidance NEA001 has been followed and met.
- Discuss how other sources of air pollution (i.e., agriculture and industry) have been considered in the HRA and Air Quality Assessment.
- Reconsider whether any further information is available on sensitivity of habitats in the locations that the Air Quality Assessment has identified could experience an increase in air pollution exceeding critical loads.
- Provide further discussion within the Air Quality Assessment on NO<sub>x</sub> and ammonia and discuss / clarify scenarios with and without the Local Plan;
- Transport consultants to reconsider the assumptions on which the modelling in the Air Quality Mitigation Strategy is based in order to

more clearly identify the assumed reductions in traffic expected to result from each mitigation measure.

- Transport consultants to seek to obtain ANPR data collected for Epping Forest District Council and, once available, compare with the TfL data used in traffic modelling in support of the Air Quality Assessment to identify how the ANPR fleet mix compares with the TfL model fleet mix; and
- Identify 'hard' mitigation measures in the Air Quality Mitigation Strategy such as speed restrictions (20mph) and access restrictions on certain roads within LBWF which lead to the stretches of road identified in the Air Quality Assessment where exceedances could occur. Analysis of the take-up of electric cars within the borough is also being explored. Such mitigation measures will need to be considered by the Council and modelled in the Air Quality Mitigation Strategy in order to understand their predicted effectiveness. Such modelling would not be completed before the Examination begins.

No comments have been provided to date by City of London on the Air Quality Assessment or the Air Quality Mitigation Strategy and a representative has confirmed that they are deferring to Natural England with regards to these technical studies.

**iv. Has the avoidance of harm to relevant Habitats Sites been considered before mitigation or compensation? If not, should it have been?**

The whole borough lies within the Zone of Influence (ZOI) of the Epping Forest Special Area of Conservation (EFSAC) as advised by NE between July and September 2018. Consequently, the borough as a competent authority within the HRA regulations has to consider that all new residential development in the borough results in Locally Significant Effects (LSEs) on EFSAC and following appropriate assessment to provide suitable mitigation. The approach agreed with NE is that for developments of 100+ units, the SANGS strategy is an avoidance strategy aimed at the prevention of harm to the SAC whilst the negotiated SAMMS strategy offers mitigation in the form of projects that will be delivered by the Conservators of Epping Forest at all scales of development.

**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?**

The Regulation 19 draft of LP1 and the accompanying HRA Report were consulted on widely, including with the public, NE and CoLC between October and December 2020. Both NE and CoLC provided detailed responses in December 2020. Some amendments to the LP1 policy wording have been proposed, such as to correct typing errors and to adjust the wording of Policy 83 - The Epping Forest and the Epping Forest Special Area of Conservation.

- The consultation comments also requested further details of the air quality and recreational mitigation recommended by the HRA. Recommendations were also made regarding urban effects assessment which have since been discussed and agreed (see details of meetings below) with NE and CoLC.
- Since January 2021, regular communication has been maintained between LBWF officers, NE and CoLC representatives. Meetings have discussed the comments raised in December 2020 on the LP1 HRA Report, and the content and approach to the air quality and recreational effects mitigation strategies being prepared in support of the LP1 HRA. Meetings are listed below:
- 13 January 2021: Call to discuss the consultation comments received in December 2020 from NE and CoLC;
- March 2021: Call to discuss SANGs strategy and present initial set of sites to NE and CoLC;
- 17 March 2021: Follow up call with NE and CoLC to discuss mitigation progress and urban effects and monitoring.
- 21 April 2021: SANGs site visit with NE and CoLC;
- 7 July 2021: Call to discuss mitigation strategies (SANGs and Air Quality) with NE and CoLC;
- 13 October 2021: Call to discuss LP2 Site Allocations Document urban effects assessment with NE and CoLC; and
- 10 December 2021: Call to update NE on progress with regards to SANGs mitigation strategy and to gain clarifications to comments provided in relation to the draft AQMS.
- LBWF are working closely with NE on an amended Air Quality Mitigation Strategy which addresses comments that have been raised in July, August and their clarifications provided in the meeting on 10 December 2021. Along with a revised version of the AQMS, LBWF are also working closely with NE on a draft SANG Strategy.

Officers note that in the case of the recent Whipps Cross planning application (Ref: 211245) to replace the hospital and locate 1500 units of residential accommodation on a site adjoining the SAC, a successful outcome has been reached through close working with NE and the City of London Conservators from an early stage. NE agreed that the combined SAMM/SANG package secured through s106 was acceptable subject to confirmation by the Conservators who also finally agreed. The Council has demonstrated its commitment to the preservation of the Forest by maintaining close and responsive relationships with both NE and the Conservators both at plan and decision level.

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

Yes, where wording changes to LP1 policies have been put forward as mitigation, they have been incorporated into the Local Plan Part 1 policies. The recommendations and changes are presented in Table 1 (please note policy references identify Regulation 18 policy numbers and names as well as Regulation 19 policy numbers and names, as recommendations and amendments were made at both stages). This is in addition to the minor modifications proposed by the authority.

**Table 1: Amendments made in response to HRA Recommended Mitigation Measures**

<b>Policy References</b>	<b>Amendment made in response to HRA Recommended Mitigation Measures</b>
Regulation 18: Policy 3 Location and Management of Growth  Regulation 19: Policy 5 Management of Growth	Added Special Areas of Conservation and Sites of Special Scientific Interest to the list of protected designated sites and areas to ensure further protection of these sites.
Regulation 18: Policy 'Central Waltham Forest'  Regulation 19: Policy 10 Central Waltham Forest	Bullet point K – removed 'Epping Forest' from point K of this policy to ensure access to the Forest is not encouraged.
Regulation 19: Policy 63 Active Travel and Policy 79 Green Infrastructure and the Natural and Environment	Policies 63 and 79 were altered to ensure that any improvements to access routes or green corridors within the borough would not result in adverse effects on the integrity of the Epping Forest SAC through increasing public access.
Regulation 18: Policy 87 Lee Valley Regional Park and Epping Forest	It was recommended that the policy was separated into two to create one policy for Lee Valley Regional Park and one for Epping Forest in order to strengthen the protection for these two European Sites. Additional wording was also recommended and added to the resultant Epping Forest Policy based on

<p>Regulation 19: Policy 83: The Epping Forest and Epping Forest Special Area of Conservation</p>	<p>the measures contained within Natural England’s Emerging Strategic Mitigation Strategy for Epping Forest (dated 6<sup>th</sup> March 2019). The following wording was included within the Epping Forest policy:</p>
<p>Regulation 19: Policy 84: The Lee Valley Regional Park</p>	<p><i>"New residential development likely to have a significant effect on the integrity of the Epping Forest Special Area of Conservation (SAC), either alone or in combination with other plans or projects, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. The need for Mitigation Strategies adopted by the Council to offset the effects of recreational pressure on Epping Forest SAC have been identified. These strategies are set out below and will be reviewed and updated as required over the plan period.</i></p> <p><i>A. Epping Forest SAMM Strategy - To mitigate for potential or identified adverse recreational effects of additional development in the borough, all residential developments within the zone of influence identified by visitor survey work are required to be mitigated for through SAMM measures. Developments are required to make a contribution in accordance with the SAMM strategy.</i></p> <p><i>B. Epping Forest SANGs Strategy - To mitigate for potential or identified adverse recreational effects of additional development in the borough, in particular from strategic developments, the Council will ensure provision of and access to sufficient Suitable Alternative Natural Green Space (SANGs). For Epping Forest SAC, SANGs provision should be in accordance with an agreed SANGs Strategy. This could involve:</i></p> <ol style="list-style-type: none"> <li><i>1. providing new green spaces; or</i></li> <li><i>2. improving access to green spaces; or</i></li> <li><i>3. improving the recreation facilities, naturalness, and habitat quality at existing greenspaces; or</i></li> <li><i>4. improving connectivity between green spaces where this would not contribute to a material increase in recreational pressure on designated sites."</i></li> </ol>

<p>Regulation 18: Policy 87 Lee Valley Regional Park and Epping Forest</p> <p>Regulation 19: Policy 83: The Epping Forest and Epping Forest Special Area of Conservation</p>	<p>A separate Epping Forest policy was created, and the following text added to avoid potential adverse effects to the Epping Forest SAC due to urbanisation:</p> <p><i>"Planning applications for development and allocations within 500m* of the Epping Forest SAC will not be permitted unless it can be demonstrated through project level HRA that the development will not generate adverse urban effects on the integrity of the SAC."</i></p> <p>* Please note that following further work on the Local Plan Part 2 HRA in 2021 in relation to potential urban effects, it is proposed to reduce this distance to 400m. The reduction in distance is to ensure LDWF's approach is consistent with the approach taken by other neighbouring district Councils.</p>
<p>Regulation 18: Policy 15 Blackhorse Lane</p> <p>Regulation 19: Policy 84: The Lee Valley Regional Park</p>	<p>Bullets E and F amended to contain a mechanism to protect the Lee Valley SPA and Ramsar from adverse urban effects once further project details are known and therefore provides protection from urban effects generated by the LP1:</p> <p><i>"Planning applications for development at Blackhorse Lane will need to be accompanied by a project level HRA to ensure the development will not generate adverse urban effects on the integrity of the Lee Valley SPA and Ramsar."</i></p>

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

The Habitats and Species Regulations 2017<sup>[1]</sup> require an assessment of any plans which are likely to have a significant effect on any protected European sites, i.e. Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar wetland sites. This requirement includes strategic plans with an impact on land use. This is the basis of a Habitats Regulations Assessment (HRA) and an HRA has been carried out. The assessment considers whether the plan would adversely affect the integrity of the protected sites in terms of conservation objectives in combination with other plans or projects. This assessment has been completed. Where negative effects are identified, such as recreational and air quality impacts, other options are considered to avoid any potential for damaging effects and mitigation put forward at the Appropriate Assessment stage to offset any potential adverse effects.

The mitigation proposed (see Q11) in the HRA is proportionate with a plan-level assessment and in line with the judgement<sup>[2]</sup> at the Court of Appeal (No Adastral New Town) which ruled that 'the important question in a case such as this is not whether mitigation measures were considered at the stage of the CS [Core Strategy] in as much detail as the available information permitted', but instead that the Council 'needed to be satisfied as to the achievability of the mitigation in order to be satisfied that the proposed development would have no such adverse effect'.

<sup>[1]</sup> Updated by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

<sup>[2]</sup> <https://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Core-Strategy-and-DMP/No-Adastral-New-Town-Ltd-v-SCDC.pdf>

**Q13 Are any main modifications necessary for legal compliance?**

The Council does not propose any modifications.

**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?**

Sustainability Appraisal (SA) has been undertaken during three key stages of plan preparation and has informed the plan strategies and policies. Assessment was undertaken of the Direction of Travel options stage and the Regulation 18 draft of the Local Plan Part 1. SA assessment has also been undertaken at the Regulation 19 stage. The assessments at each of these stages identified potential significant effects and put forward mitigation to address these identified effects.

The SA has also helped to identify alternatives, as discussed in relation to the spatial strategy in the response to Q15 below.

Mitigation measures put forward in the SA at Regulation 18 and Regulation 19 stages was considered by officers and incorporated into the policies for the Pre-Submission LP1 and modifications.

Changes made to LP1 policies in response to mitigation recommendations put forward in the SA are listed in Table 2.

**Table 2: Policy Amendments made in response to SA Recommended Mitigation Measures**

<b>Policy References</b>	<b>Amendment made in response to SA Recommended Mitigation Measures</b>
Regulation 19: Policy 5 Management of Growth	The SA recommended that all green space is protected from development rather than space which is already protected. Protecting greenspace was added to Policy 5 Management of Growth wording.
Regulation 19: Policy 5 Management of Growth  Regulation 19: Policy 11 North Waltham Forest	The SA recommended that policy wording could clarify that the development of brownfield land is favoured over greenfield land. Wording stating that sites included on the Brownfield Land Register will be prioritised has been added to Policy 5 and in several other policies including policies 11 and 12.
Regulation 19: Policy 12	

Increasing Housing Supply	
Regulation 18: North Chingford Strategic Location  Regulation 19: Policy 11- North Waltham Forest	The SA of the North Chingford Strategic Location policy in the Regulation 18 LP 1 recommended that strengthening or intensification of current Borough Employment Areas in line with population increase could be covered within the policy which would help to provide more jobs within close proximity of this strategic location. The strategic location policy was removed from the Regulation 19 Local Plan part, however, the wording 'Strengthen and support existing and new employment opportunities in the North of the Borough' has instead been added to Policy 11- North Waltham Forest.
Regulation 18: Policy 15 Blackhorse Lane	A map was added to LP1 showing location of creative enterprise zone (Figure 10.3), as recommended in the assessment of the Creative Enterprise Zone in the Regulation 18 Local Plan Part 1.
Regulation 19: Policy 79 - Green Infrastructure and the Natural Environment	The SA made a recommendation to cross refer between policies in the Local Plan, in order to avoid potential confusion and the loss of greenfield and Green Belt land. As a result, policy wording has been added to Policy 79 - Green Infrastructure and the Natural Environment to protect MOL and greenbelt land from development.

Table 3 provides examples of changes made to LP1 in response to recommendations to enhance potential minor positive or neutral effects identified in the SA.

**Table 3: Policy Amendments made in response to SA Recommended Enhancement Measures**

<b>Policy References</b>	<b>Amendment made in response to SA Recommended Enhancement Measures</b>
Regulation 19: Policy 79 - Green Infrastructure and the Natural Environment	The SA highlighted the need for policy to deliver biodiversity improvements to open space and wildlife sites. Wording now included in Policy 79 - Green Infrastructure and the Natural Environment which encourages enhancement of green infrastructure.
Regulation 18: Policy 6 South Waltham Forest	The SA suggested policy 6 could require adequate consideration of the need to maintain the character of separate distinct parts of the Borough. As a

	<p>result, Point J in policy 6 was strengthened so it recognises the distinct characteristics of the various settlements in the South of the Borough to preserve their identity.</p>
<p>Regulation 19: Policy 5 Management of Growth</p> <p>Regulation 19: Policy 9 - South Waltham Forest</p>	<p>The SA suggested that the addition of a quota of jobs or employment space to be provided in Leyton would strengthen the performance of this policy against SA 20 in relation to maintaining stable levels of employment in the Borough, given the large number of dwellings predicted to be developed in this part of the borough. Some policies relating to specific locations were not included in the Regulation 19 Local Plan Part 1 but an indicative jobs target was added to Policy 9 - South Waltham Forest in the Regulation 9 Local Plan Part 1. Indicative jobs targets are also included within Policy 5 Management of Growth.</p>
<p>Regulation 19: Policy 3 - Infrastructure for Growth</p>	<p>The SA suggested the identification of the need for additional healthcare facilities in Blackhorse Lane. Some policies relating to specific locations were not included in the Regulation 19 Local Plan Part 1 but ensuring the provision of GP Practices and other health care facilities in central locations within walking distance to the residential catchments areas they are expected to serve is included in Policy 3 - Infrastructure for Growth in Local Plan Part 1.</p>
<p>Regulation 18: Policy 19 South Chingford / Chingford Mount Strategic Location</p> <p>Regulation 19: Policy 11- North Waltham Forest</p>	<p>The SA suggested that improved provision of employment space in the Regulation 18 plan Policy 19 South Chingford/Chingford Mount Strategic Location would help it perform more positively with regards to supporting the local economy and maintaining and improving employment levels. Some policies relating to specific locations were not included in the Regulation 19 Local Plan Part 1 but providing new employment in South Chingford/Chingford Mount has been added to Policy 11- North Waltham Forest in Local Plan Part 1.</p>
<p>Regulation 19: Policy 17 Redevelopment and Intensification of</p>	<p>The SA suggested that the policies in the Regulation 18 plan could do more to promote the redevelopment of existing housing to be more energy efficient, low carbon and more sustainable. Policy wording has been enhanced in the Regulation 19 plan, for example, Policy 17 relating to the</p>

Existing Housing Estates	redevelopment of housing estates encourages delivery of improved design standards.
Regulation 19: Policy 89 Sustainable Design and Construction  Regulation 19: Policy 6 - Ensuring Good Growth	As recommended in the SA, Policy 89 Sustainable Design and Construction has been amended to include Passivhaus standards. Policy 6 - Ensuring Good Growth has also been amended to include low-carbon heating and energy.
Regulation 19: Policy 50 - Promoting Healthy Communities	The SA identified that the plan could do more to address social isolation to ensure that there are adequate community meeting places available within the borough and good public realm design in new developments to encourage social interaction. As a result, Policy 50 - Promoting Healthy Communities has been amended to include encouraging social interaction through the delivery of safe, accessible and inclusive places.
N/A	A map of green belt and open space was included in the Regulation 19 Local Plan Part 1, as recommended by the SA in the assessment of the Regulation 18 plan.

**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?**

The Sustainability Appraisal (See KD4) has robustly tested the Plan against reasonable alternatives. The reasons for the alternatives selected have been identified and described with an evaluation of their likely significant effects on environmental, economic, and social factors.

Key sustainability issues as identified in the SA Report (Page 6) are as follows:

- Increasing population growth leading to an increased demand for housing.
- Population density within the Borough exceeds both the London and the national average.
- Need to promote high quality housing with a range of tenures to reduce health issues which arise from poor quality accommodation.
- The disparity between the cost of housing and the amount that people are able to borrow means many people are unable to access the property market.
- There is a shortfall in affordable housing provision to meet the requirements of those in housing need.
- Homelessness is expected to increase.
- Need to offer greater quality, flexibility and choice to those who rent.

These circumstances justify an increase in housing provision. There are no other reasonable alternatives. The proposed quantum of housing growth is supported by evidence from the Waltham Forest SHMA, which justifies this level of provision. A lower level of growth would not address the Council's objectively assessed need for housing and a higher level of growth would be beyond justifiable requirements.

Page 73 of the SA Report sets out the SA conclusions relating to Policy 2. Attention is drawn to the net increase in housing to be planned for and provided, which is 27,000 additional homes. The report states that Policy 2 supports the achievement of Sustainable Objective (SA1). It further states that the proposed level of growth would have a significant positive effect.

On the quantum of employment growth proposed, the following key sustainability issues are identified in the SA Report (Page 10):

- Existence of lower-than-average salaries affecting the Borough's ability to attract inward investment

- Ongoing pressures on industrial sites and the need to maintain industrial uses and promote strong local base of small businesses
- Need to provide additional workspaces and promote denser, mixed use development with no net loss of business floor space.
- Skills development in growth areas needed both for those who are currently unemployed and underemployed.
- Large inequalities in employment and skill levels between wards within the Borough.
- Need to support and promote business activities, create fair employment and good work for all.

These circumstances justify an increase in employment on sustainability grounds. There are no other reasonable alternatives. The SA report considered the net increase in employment provision (52,000sqm) and concluded (page 73) of the SA Report that Policy 2 will contribute to promoting further investment in the Borough to support the achievement of Sustainability Objective 18. Evidence from the Waltham Forest Employment Land study justifies this level of provision. A lower level of growth would not address the Council's objectively assessed need for employment provision and a higher level of growth would be beyond justifiable requirements.

Regarding Policy 4 (Distribution of Growth), the SA Report concludes that the proposed level of growth (27, 000 homes and 52,000 sqm of employment) will be directly located in identified strategic areas, which are the most appropriate locations. Section 6 of the SA Report (KD4.2) provide the background and full information on the alternative options considered leading to the choice of the Plan strategy. As an alternative to the New Spatial Strategy included in the Plan, the SA report considered the existing Spatial Strategy set out in the currently adopted Core Strategy. The SA Report has also assessed the proposed growth locations as detailed in the SA Report Appendix E: Spatial Strategy Options Assessment Summaries.

**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?**

Six Direction of Travel Options were considered and assessed (see response to Q15). This led on to the development of two spatial strategy options which were tested further in the SA: The New Spatial Strategy (based on Option 5) and the Existing Spatial Strategy set out within the adopted Core Strategy 2012.

The choice of the New Spatial Strategy over Existing Spatial Strategy was informed by the SA findings and was based on the consultation comments received in relation to the Direction of Travel document (2017).

In the public consultation on the Direction of Travel in 2017, there was strong support shown for the combined approach (Option 5) on which the New Spatial Strategy is based in the public consultation on the Direction of Travel document (2017). The combined approach / New Spatial Strategy involves a dispersed pattern of growth in identified hubs, town centres and opportunity locations. Sites at these locations have been tested for their potential capacity through the Growth Capacity Study (2018) and this alongside the large-scale regeneration opportunity presented in the south of the borough, forms the basis and rationale for distributing growth.

The Existing Spatial Strategy aims to centre growth around four key 'Growth Areas'; Blackhorse Lane, Northern Olympic Fringe; Walthamstow Town Centre and Wood Street. In addition to development in these key Growth Areas, the strategy also aims to focus development around the Borough's Town, District and Neighbourhood Centres.

The two spatial strategy alternatives underwent a SA, with each strategic option assessed against the SA Framework. The results of this process were collated and summarised in an internal report to LBWF officers, which was completed in September 2018.

Significant positive effects were identified for all growth clusters in relation to SA1 (housing) in the New Spatial Strategy assessment. However, when the spatial strategy options were assessed, in 2018, when considered as a whole the strategy did not deliver the new housing target of 26,910 homes to be delivered over the 15-year Local Plan duration. The New Spatial Strategy fell short by 3,000 homes and therefore it was not fully achieving SA1. By comparison, the SA of the Existing Spatial Strategy identified an uncertain effect in relation to SA1 (housing) because it was not known how the new housing target would be allocated across the locations which make up this spatial strategy. It was

considered uncertain whether this strategy could indeed deliver the housing target.

Some specific locations lacking access to healthcare facilities and / or recreation facilities in the New Spatial Strategy were identified within the assessment and these performed less well against SA3 (health) in both the assessment of the New Spatial Strategy and the Existing Spatial Strategy. Similarly, mainly minor and significant positive effects were identified in relation to community cohesion. In the assessment of the existing Spatial Strategy, a potential significant negative effect was identified in relation to directing development to Leyton District Centre which has poor access to both healthcare and recreational facilities. It was identified that development here could put more people at a disadvantage with regards to access to healthcare facilities and recreation facilities.

In the assessment of the New Spatial Strategy, mixed performances were recorded with regards to accessibility via sustainable transport modes (SA5), carbon emissions (SA7) and air quality (SA9) which are interrelated. Accessibility in some locations was good and some positive effects were identified, which would potentially result from locating development in these areas. The assessments of the growth clusters identified potential for cumulative negative effects from the New Spatial Strategy in relation to increased air pollution and carbon emissions which could occur Borough-wide. This could exacerbate existing sustainability issues identified within the SA baseline. Mitigation was put forward in order to reduce or offset these potential effects.

The Existing Spatial Strategy performed slightly better than the New Spatial Strategy with regards to accessibility by sustainable transport (SA5). Although the Existing Spatial Strategy consists of four main Growth Areas concentrating development to the south west and centre of the Borough it also directs development to a high number of Town, District and Neighbourhood centres which have good PTAL scores and this is likely to be the reason why the strategy performs relatively well with regards to accessibility. For the same reasons, the Existing Spatial Strategy also scored relatively well with regards to carbon emissions (SA7) and air quality (SA9). However, some potentially minor, significant and cumulative negative effects were identified in relation to these SA objectives. Potential increases in car use resulting from development in locations with poor access by sustainable transport could exacerbate existing sustainability issues identified within the SA baseline. Potential negative effects in relation to air quality and carbon emissions were identified in the far north and south of the Borough.

The two spatial strategy options performed similarly with regards to flooding (SA11) and biodiversity (SA13). Neutral effects were identified in

relation to SA15 (Green Belt and open space) in the assessment of the Existing Spatial Strategy. This was a key difference between the Existing Spatial Strategy and the New Spatial Strategy at the time of the assessment in July 2017, where in the assessment of the New Spatial Strategy, a potential significant negative effect was identified due to the development of some Green Belt land at Lea Bridge Corridor, Leytonstone and Whipps Cross.

Over 35% of the growth areas assessed as part of the Existing Spatial Strategy could have resulted in potential minor (5%) or significant negative effects (30%) in relation to the historic environment. This was a better performance against this objective compared to the New Spatial Strategy. The potential negative effects associated with both of the spatial strategy options were within the central southern part of the Borough.

Both spatial strategies performed reasonably positively with regards to the economic SA objectives; SA18 (town centres), SA19 (supporting the local economy) and SA19 (maintaining stable employment), with the New Spatial Strategy performing slightly more positively compared with the Existing Spatial Strategy.

**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?**

No concerns have been raised by consultees in relation to the Sustainability Appraisal. Consultation has been undertaken at key points in the SA process, as follows:

- The scope of the Sustainability Appraisal was consulted on through consultation on a Scoping Report with key stakeholders<sup>[1]</sup>, adjoining Boroughs and the public for a five week period from 24<sup>th</sup> July to 29<sup>th</sup> August 2017. Comments were received which resulted in amendments to baseline data, key sustainability issues and the SA Framework against which the plan and alternatives have been assessed.
- Regulation 18 SA Report was consulted on between 9 October and 20 November 2019: comments were received which were relevant to the Sustainability Appraisal and which resulted in an update to some baseline data in relation to climate change impacts, changes being made to the assessments of policies and the proposed monitoring of the significant effects of the Local Plan Part 1.
- Regulation 19 SA Report was consulted on between 26 October until 14 December 2020: no comments specifically related to the Local Plan Part 1 SA Report were received.

The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) transpose the SEA Directive (2001/42/EC) into English law. Table 5 in the SA Report (April 2021) sets out how the requirements of the Strategic Environmental Assessment Regulations have been met. A version of this table is reproduced below.

**Table 2: Fulfilling the Requirements of the SEA regulations**

<b>What the SEA regulations say<sup>[2]</sup></b>	<b>How this is addressed</b>
An outline of the contents, main objectives of the plan or programme.	Set out in Section 3 of the SA Report.
An outline of the relationship with other relevant plans and programmes.	Set out in Section 4 of the SA Report.

<p>The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.</p>	<p>Set out in Section 5 of the SA Report and in Appendix B to the SA Report.</p>
<p>The environmental characteristics of areas likely to be significantly affected.</p>	<p>Section 3.3 of the SA Report outlines the characteristics of the plan area in general and Section 5 outlines those areas likely to be significantly affected. These characteristics and potential interactions have been informed by information contained within the SA baseline data (Section 5).</p>
<p>Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.</p>	<p>Section 5 of SA Report outlines key sustainability issues related to each SA topic. This includes sites designated pursuant to Directives 79/409/EEC and 92/43/EEC. Further information is also available in the separate Habitat Regulations Assessment (HRA) Report (April 2021).</p>
<p>The environmental protection objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.</p>	<p>Section 4 of the SA Report and Appendix A outline relevant environmental protection objectives. The way that those environmental objectives have been taken into account has been through integrating them into the SA Framework.</p>
<p>The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the</p>	<p>Section 7 of the SA Report sets out the significant effects of the Submission Version of the Local Plan and Section 6 discusses the significant effects of reasonable alternatives.</p> <p>Details of the nature of effects are provided within Appendix C to the SA Report. This includes indirect</p>

above factors. The identification of the above effects should consider secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.	(secondary), cumulative (cumulative and synergistic), duration (short/medium/long term), permanent or temporary and negative or positive effects. Definitions are provided within Table 3 in Section 2.4 of the SA Report.
The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.	Section 9 of the SA Report sets out mitigation measures for significant negative (negative) effects and uncertain effects.
An outline of the reasons for selecting the alternatives dealt with	Section 6 of the SA Report outlines the reasons for selecting the alternatives dealt with.
A description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.	Section 2 of the SA Report outlines the methodology for all stages of the SA and Section 2.5 specifically describes any technical difficulties that were encountered.  Section 5 of the SA Report outlines data gaps.
A description of measures envisaged concerning monitoring.	Set out in Section 10 of the SA Report
A non-technical summary of the information provided under the above headings.	See separate non-technical summary of the SA Report (April 2021).
The report must include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process	The whole SA Report (April 2021) addresses this.

<p>to avoid duplication of the assessment.</p>	
<p>Consultation:          Authorities with environmental responsibility, when deciding on the scope and level of detail of the information which must be included in the environmental report (Art. 5.4).</p>	<p>The Scoping Report was consulted on with key stakeholders<sup>[3]</sup>, adjoining Boroughs and the public for a five week period from 24<sup>th</sup> July to 29<sup>th</sup> August 2017.</p>
<p>Authorities with environmental responsibility and the public, shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme.</p>	<p>The SA report was consulted on between 26<sup>th</sup> October and 14<sup>th</sup> December 2020 and was amended following consultation where appropriate to inform the Submission SA Report (April 2021).</p>
<p>EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country.</p>	<p>Section 7 of the SA Report presents the potential significant effects of the Submission Local Plan Part 1. The assessment has not identified any potential effects on other EU member states.</p>
<p>Taking the environmental report and the results of the consultations into account in decision-making (Art. 8).           Provision of information on the decision:           When the plan or programme is adopted, the public and any countries consulted under Art.7 must be informed and the following made available to those so informed:           The plan or programme as adopted.</p>	<p>This will be set out in the SA Adoption Statement.</p>

<p>A statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report of Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Art. 7 have been taken into account in accordance with Art. 8, and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with.</p> <p>The measures decided concerning monitoring.</p>	
<p>Monitoring of the significant environmental effects of the plan's or programme's implementation.</p>	<p>The proposed monitoring arrangements are discussed in Section 10 of the SA Report.</p>

[1] Environment Agency, Natural England, Historic England are the SEA statutory consultees.

[2] Please see Schedule 2 of the SEA regulations: *Information for Environmental Reports*.

[3] Environment Agency, Natural England, Historic England are the SEA statutory consultees.

***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?**

The Plan has been prepared in accordance with the adopted Local Development Scheme (LDS) 2020-2023.

Work on the plan started in 2017 with the preparation and adoption of the earlier LDS (March 2017). This proposed a single consolidated local plan document. In July 2019, the Council published its Local Plan Regulation 18 consultation document. A key issue arising from this consultation work was the need to provide more details on site specific proposals. Also, the emerging London Plan had increased the Council's housing target by 108% from the previous target. In December 2019, the Council reviewed this LDS to take account of key changes including the NPPF (2019) requirement for the Local Planning Authorities to review and update Local Plans every 5 years, and the introduction of Statements of Common Ground. Crucially, the Council considered it necessary to align the Local Plan timetable with the emerging London Plan to ensure better fitness and conformity. Accordingly, the Local Plan timetable was adjusted to track the progress of the London Plan by ensuring that the statutory consultation stages on the Council's Local Plan occurred after the adoption of the London Plan.

The currently adopted LDS (2020 -2023) proposed the preparation of the new Local Plan in two parts:

- Local Plan (LP1) - Shaping the Borough (Strategic Policies)
- Local Plan (LP2) - Site Allocations

The Council considered that a supporting Site Allocation Document would have an important role in guiding development on identified sites and to respond to local concerns about growth proposals. Paragraph 1.6 (Introduction Chapter) of the Plan explains the complementary relationship between both plans. Several other references as below also draw attention to this relationship including:

- Paragraphs, 1.6, 4.13, 4.20, 4.25, 4.46, 5.9, 5.20, 7.14, 11.48, 14.13 and 14.14
- Policies – 5 (E), 9 (B) (viii), 9 (D), 9 (E), 9 (G), 10 (A) (v).

Table 6.1 (page 12) of the adopted LDS (2020-23) draws attention to the key milestones on the production of the Local Plan. The Proposed Submission Local Plan (Regulation 19) document was originally intended to be published in summer 2020. There has been some slippage following the outbreak of the Coronavirus pandemic and the national lockdown. This is acknowledged in the Addendum (page 1 of the LDS).

**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]?**

Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the statutory consultation requirements for plan preparation. Under Regulation 18, in preparing a Local Plan, the Council must (a) notify specified bodies or persons on the subject of a local plan which the Council proposes to prepare, and (b) invite them to make representations to the local planning authority about what a local plan with that subject ought to contain.

The Regulation 18 requirement has been met in two stages.

In November 2017, the Council published the 'Direction of Travel' document (SD6) for consultation. This explained the subject matter of the Local Plan and identified issues and options in the context of the challenges and opportunities facing the Borough over the next 15 years. It set out proposed policy directions and sought representations from members of the public, "general consultation bodies" and "specific consultation bodies" as required in accordance with Paragraph 2 of the Regulations.

Again, in July 2019, the Council published a Draft Local Plan (SD3.1) for consultation. It covered Vision/Strategic Objectives, Spatial Strategy and Thematic Policies on a range of matters including housing, employment, town centres, infrastructure, design, environment, climate change etc.

The Regulation 19 requirement was met when the Proposed Submission Local Plan was published for consultation in October 2020.

At all stages of the above plan making process, the commitments made in the Council's Statement of Community Involvement (SCI) (KD11) were strictly followed.

- a) Copies of the consultation documents, relevant evidence and supporting documents were made available on the Council's website and for inspection at the Council's main office and local libraries.
- b) Direct notification was sent by email to specific/general consultation bodies, 'Duty to Co-Operate bodies', stakeholders and members of the local community registered on the local Plan consultation database.

- c) A public notice was placed in the local newspaper (Waltham Forest News) specifying the consultation period and the locations where the documents could be viewed.
- d) The most appropriate consultation methods as listed in Table 3.1 of the SCI document were used.

The consultation statement (KD6.1) sets out in detail the processes undertaken. Consultation Reports were published at all stages of the plan making process.

**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 adaptation to, climate change in accordance with the legislation?**

The Council acknowledges the legal requirement under Section 19(1A) of the Planning and Compulsory Purchase Act 2004 to include in the Local Plan policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change.

Reducing impact of new development on the climate and adapting to climate change is a key policy objective of the Local Plan. The Council declared a Climate Emergency in April 2019. Through Strategic Objective 14, the Council seeks to build climate change resilience by addressing key issues relating to climate change. These issues are primarily covered in Chapter 17 (Protecting and Enhancing the Environment) and Chapter 18 (Addressing Climate Change Emergency) of the Plan.

Chapter 17 includes the following policies:

- Policy 79 (Green Infrastructure and the Natural Environment),
- Policy 80 (Parks and Open spaces.
- Policy 81 (Biodiversity and geodiversity)
- Policy 82 (Trees)
- Policy 83 (Epping Forest and the Epping Forest Special Area of Conservation)
- Policy 84 (The Lee Valley Regional Park).

Chapter 18 purposely seeks to address climate change as a thematic topic matter. Key policies include the following:

- Policy 87 (A Zero Carbon Borough)
- Policy 88 (Decentralised Energy)
- Policy 89 (Sustainable Design and Construction)
- Policy 90 (Air Pollution)
- Policy 91 (Water Quality and Water Resources)
- Policy 92 (Contaminated Land)
- Policy 93 (Managing Flood Risk)
- Policy 94 (Overheating)

In preparing the Local Plan, the Council has also taken a cross cutting approach in addressing climate change matters. Accordingly, other policies of the plan draw attention to climate change mitigation and adaptation. Examples include the following:

- Policy 6 (Ensuring good growth) – acknowledging the need to also address climate change impacts through mitigation and adaptation, the use of sustainable building materials, low carbon heating and energy efficiency.
- Policy 56 (Delivering High-Quality Design) – including a requirement for development proposals to incorporate design measures that increase climate change resilience.

Furthermore, through the processes undertaken (Sustainability Appraisal and Habitats Regulations Assessment) all policies have also been tested for climate change impacts. The key messages from these assessments have been built into the policies of Plan.

**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?**

S149 of the Equality Act 2010 places a duty on Public Sector bodies to give due regard to the need to: a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, b) Advance equality of opportunity between people who share a protected characteristic and those who do not and c) Foster good relations between people who share a protected characteristic and those who do not.

In compliance, all Waltham Forest Cabinet decisions are supported by an Equality Analysis which considers the impact of decisions on equality groups. Its purpose is to ensure that equality is placed at the centre of policy development and decision making. For plan making purposes, the Council separately carries out Equality Impact Assessments (EqIA) work on all Local Plan projects. This assessment seeks to identify the likely impacts of the Local Plan on the borough's communities and makes recommendations (where necessary) to avoid any discriminatory or negative consequences of policies.

Accordingly, EqIA work has been undertaken on the plan at key stages of the plan making process as follows:

- Regulation 18 (Draft Plan) July 2019 - an Equality Impact screening exercise of the Plan was undertaken. There were no negative impacts on the protected equality groups<sup>1</sup>.
- Regulation 19 (Proposed Submission) October 2020 – a full Equalities Impact Assessment (EqIA), was undertaken, testing at a detailed level all policies and proposals of the plan for equality impacts<sup>2</sup>. In general, it was considered that the Plan would have a positive effect on all groups. However, as the Plan has a strategic focus, the Council fully recognises the role of other complementing documents such as the Site Allocations Document, Supplementary Planning Documents and Masterplans in delivering good outcomes. Accordingly, the Council intends to apply the EqIA testing process to all supporting plan documents.
- The plan promotes social cohesion mainly in Chapter 10 (Promoting Culture and Creativity). This recognises the important role of culture

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<sup>1</sup> Local Plan Cabinet Report (Appendix B) Equality Analysis

<sup>2</sup> EqIA report (KD9)

in bringing people together to encourage community cohesion through cultural events, festivals, and related cultural activities.

**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:**

- i. Confirmation of general conformity with The London Plan 2021**
- ii. Having regard to the Planning Practice Guidance<sup>3</sup> that the preparation of the Plan should take into account policies and proposals in Neighbourhood Plans**
- iii. Making clear which policies will be superseded if it is adopted.**

The Council's Local Plan has been prepared in accordance 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). Key requirements of this legislation relate to the following:

- Section 15 - Local Development Scheme - The plan has been prepared in accordance with the Council's Local Development Scheme (2020-2023)
- Section 18 - Statement of Community Involvement. The plan has been prepared in accordance with the adopted Statement of Community Involvement.
- Section 19 - Preparation of local development documents. The plan identifies strategic priorities for the development and the use of land and includes policies to address identified priorities. The plan gives due regard to national policies and advice. The Council has also carried out sustainability appraisal of policies contained in the Plan.

Regarding the specific matter raised, the Council wishes to respond as follows:

- i) The circumstances regarding the London Plan 2021 are explained in the Council's response to the Inspectors' Preliminary Questions (General Matters, pages 23-25). The Council recognises that the Plan must be in conformity with the latest London Plan 2021. Accordingly, the Council has sought an opinion from the GLA London Plan Team. Following post submission discussions, a Statement of Common Ground is being prepared between the Council and the GLA.

- ii) The Council acknowledges the important role that neighbourhood planning plays in the planning system. PPG Reference ID: 61-006-20190723 requires the Council to make appropriate reference to neighbourhood plan policies and proposals without duplicating them. The Local Plan considers the policies and proposals of the Highams Park Neighbourhood Plan through several references made in the document as follows:
- a. Paragraph 1.12 – a reference to the strategic policy context of the plan, while also allowing for a local variation in policy approach provided that this does not undermine the overall strategic approach set out in the Plan. The Plan contains specific guidance for Neighbourhood Plans, where flexibility in policy approach is necessary and can be justified.
  - b. Policy 1 (Presumption in Favour of Sustainable Development) acknowledges the fact that once a neighbourhood plan comes into force it becomes part of the statutory development plan for the neighbourhood area. Accordingly, the Plan declares that planning permission will be granted where applications accord with the policies in the Plan (and, where relevant), with policies in the London Plan as well as adopted Neighbourhood Plans.
  - c. Paragraph 4.8 – mentions that Neighbourhood Plans can allocate additional growth to meet local needs at a scale which does not undermine the overall distribution strategy.
  - d. Paragraph 4.46 further acknowledges the important role of neighbourhood plans in expanding and adding to the policies and proposals of the Local Plan to address local circumstances. The plan further states that neighbourhood plans will be expected to translate the strategic policies of the Plan or specify (as may be necessary), additional design standards and controls for the good management of the neighbourhood plan area.
  - e. The Council currently has one neighbourhood plan adopted in the Highams Park area (north of the borough). Paragraph 7.1 mentions that policies relating the North Waltham Forest should be read in conjunction with other policies in the Local Plan including the Highams Park Neighbourhood Plan.
  - f. Policy 11 deals with North Waltham Forest. Clause (G) purposely draws attention to the need to apply place-making principles that reflect the character and local distinctiveness of Highams Park, with particular reference to the Highams Area

of Special Character, cultural and green assets as set out in the Highams Park Neighbourhood Plan.

- g. Paragraph 11.49 makes further provision for Neighbourhood Plans for local areas (as may come forward under the Localism Act 2011) to set their own requirements to revise the boundaries of Primary Shopping Areas and the mix and balance of uses within them, provided the effect of introducing new or additional requirements does not deter development but supports the vitality and viability of the designated centres.
  
- iii) The Council's response to the Inspectors' Preliminary Questions (LPE7 – General Matters, see pages 6-18) includes a table listing all policies in the currently adopted Waltham Forest Local Plan made up of the Core Strategy (adopted 2012), Development Management Policies Document (adopted 2013) and the Area Action Plans for Walthamstow Town Centre (adopted 2014) and Blackhorse Lane (adopted 2015). It demonstrates how these policies will be superseded following the adoption of the Plan.

**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?**

For clarification, the Local Plan comprises a combination of strategic and non-strategic policies. Accordingly, it is proposed to:

- Delete the 2<sup>nd</sup> sentence of paragraph 1.12 where it reads “All the policies in this Plan represent ‘strategic policies’ in the context of the NPPF” and replace with “**This plan comprises a combination of strategic and non-strategic policies**”.

The Council also notes the reference in NPPF (paragraph 28) that non-strategic policies should be used by local planning authorities to set out more detailed policies for specific areas, neighbourhoods or types of development. Furthermore, from paragraph 29 of the NPPF, neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine strategic policies. Also, neighbourhood plans can be developed before, after or in parallel with a local plan, but such plans must be in general conformity with the strategic policies in the adopted local plan and any other strategic policies that form part of the statutory development plan (PPG Ref: 61-006-20190723).

Accordingly, the Plan presents no adverse implications for the preparation of any new Neighbourhood Development Plans. As stated above (in response Q22), the plan makes provision for a local variation in policy approach through neighbourhood plans, provided that this does not undermine the overall strategic approach set out in the Plan. The Council also acknowledges the important role of neighbourhood plans in translating strategic policies of the Plan to a more local level by expanding or supplementing plan policies.

**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?**

Section 19 of the Planning and Compulsory Purchase Act 2004 sets out requirements on the preparation of Local Development Documents. Regarding the matters listed, these have been addressed as follows:

1. The Plan has been prepared in accordance with the local development scheme. See KD10
2. The Plan (taken as a whole) includes policies designed to secure the development and use of land in Waltham Forest contributes to the mitigation of, and adaptation to, climate change. This relates to policies 79- 95 of the Plan in particular, and the cross referencing made in the plan to climate change mitigation and adaptation.
3. The Plan identifies the strategic priorities for the development and use of land in Waltham Forest (See policies 1-11 on the Spatial Strategy and thematic policies covering housing, employment, town centres, infrastructure, climate change, conservation, enhancement of the natural, built and historic environment).
4. The plan takes into account national planning policies as contained in the NPPF and advice contained in guidance and the London Plan.
5. Resources likely to be available for implementing the proposals in the document are considered as set out in Section 20 (Delivering the Plan).
6. The Council has complied with the commitments made in the adopted Statement of Community Involvement.
7. The Council has carried out sustainability appraisal of the policies and proposals contained in the Plan and there is a report on the findings of this appraisal.

Regarding Regulation 10 of the Town and Country Planning (Local Planning) (England) 2012 Regulations, the Local Plan complies with the matters listed as follows:

8. The plan contains transport policies developed in consultation with the Traffic for London (TfL). In London, TfL is the integrated body responsible for London's transport system. The Council's Local Implementation Plan (LIP) sets out how the Mayor of London's Transport Strategy will be implemented at a local level.

9. The Council's LIP includes objectives for preventing major accidents and limiting the consequences of accidents. This is complemented by a range of policies in the Local Plan, which seek to create safe environments. With specific reference to transport safety, this includes policies in the Transport Chapter e.g. Policy 62 (E), which seeks to create safe neighbourhood environments, reduce road danger, improve personal security in accordance with the Mayor of London's Transport Strategy objectives.
10. The Plan contains relevant policies that seek to maintain appropriate distances between major employment areas, residential areas, major transport routes, recreational areas, areas of natural sensitivity or interest etc. The Policies Map shows the geographical location of designated areas and the relationship between these areas.