

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

Inspectors - Mrs S Housden BA (Hons) BPI MRTPI &
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Ms S Parsons
Assistant Director
Waltham Forest Borough Council

SENT BY EMAIL

11 October 2022

Dear Ms Parsons,

**Waltham Forest Local Plan Part 1 Examination – Post Hearing
Workstreams**

Thank you for your letter of 29 September 2022. Firstly, we would like to thank the Council for the considerable work undertaken and for the various documents which have been submitted to the Examination to address the soundness issues raised in our post hearing letter of 5 May 2022.

The documents should be put onto the Examination website as soon as possible and we will liaise with the Programme Officer to establish a suitable timescale for consultation and for the publication of our Matters, Issues and Questions (MIQs) and for the further hearing sessions. In the meantime, we seek early clarification of one matter to inform our MIQs.

Our post hearing letter stated that, based on the level of progress that had been made with mitigation measures and applying the precautionary principle, we were unable to conclude that the Plan would not result in adverse effects on the integrity of the Epping Forest Special Area of Conservation (SAC), having regard to the impact pathways of recreation pressure and air pollution. In relation to air pollution, Natural England identified the need for significant changes to the technical data and inputs to the modelling in the originally submitted Air Quality Study in Appendix 4 of the Habitats Regulations Assessment (HRA) (KD5). The HRA Addendum (LPE23.2) seeks to address a number of issues raised by

consultees, including how NEA001 guidance¹ has been followed in the HRA. However, the Addendum was not made publicly available prior to the March 2022 hearing session, and the data that should be used for modelling air quality impacts was the subject of discussion at the session on 15 March 2022.

A new Air Quality Study (AQS2) (LPE35) has now been produced. It is not clear whether AQS2 seeks to address Natural England's concerns about the technical data and inputs to the modelling, or whether the scope of the study has changed beyond that. We note from the Topic Paper (LPE30) and Joint Letter (LPE40) that Natural England's air quality specialists are reviewing AQS2 and that the outcome of that process will be reported to us in due course.

Given our findings in the post hearing letter relating to the impact of air pollution on the SAC, Natural England's review of the study is of fundamental importance to our assessment of the Plan's compliance with the Habitats Regulations. The approach taken must accord with the guidance in NEA001, taking into account the findings of the Wealden High Court judgement² in relation to in-combination effects. Therefore, could the Council therefore please confirm a date for the outcome of Natural England's consideration of the AQS2. This will inform the content of our MIQs and the timing of consultation and further hearing sessions.

This letter should be put onto the Examination website. We are not seeking the views of any other parties on the content of this letter.

Please let us know via the Programme Officer if the Council has any other queries at this stage.

Yours sincerely

Catherine Jack and Sarah Housden

INSPECTORS

¹ Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations

² Wealden v SSCLG [2017] EWHC 351 (Admin)