

APPENDIX 2

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

Inspectors - Mrs S Housden BA (Hons) BPI MRTPI &
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Waltham Forest Borough Council
SENT BY EMAIL

22 June 2021

Dear Mr Addo-Yobo

Inspectors' Preliminary Matters

1. As you will know, we are appointed by the Secretary of State to hold an independent examination of the 'Shaping the Borough' Waltham Forest Local Plan (LP1). We look forward to working with the Council, representors, and the Programme Officer to progress the Examination. We have undertaken an initial read through the plan, the submitted evidence, and the representations. From this, some preliminary matters have arisen for which we seek early clarification from the Council. The Council's response will assist us in defining our matters, issues, and questions (MIQs) on the legal compliance and soundness of the plan, and in establishing the examination timetable and format.
2. In responding to these preliminary matters, we would like the Council to produce an addendum to the submitted Duty to Cooperate Statement (the DtC Statement) and a **Habitats Regulations Topic Paper to explain and demonstrate how it has used the evidence to inform the Habitats Regulations Assessment (HRA)** and to develop the plan's strategy. The addendum and topic paper should clearly direct us to the relevant documents in the evidence base and reference particular chapters, pages, or paragraphs, where appropriate. Further details of our requirements are set out below.

Legal compliance - the duty to cooperate

3. The duty to cooperate as set out in section 33A of the Planning and Compulsory Purchase Act 2004, places a legal duty on the Council to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross-boundary matters.
4. Paragraphs 24-27 of the National Planning Policy Framework (the NPPF) identify the requirements for maintaining effective cooperation. Paragraph 27 specifically requires effective and on-going joint working to be demonstrated through the preparation and maintenance of one or more statements of common ground (SoCG) to be produced and made publicly available throughout the plan making process. The Planning Practice Guidance (PPG) clearly sets out the scope of SoCG and identifies when they should be produced and what they should document.
5. The DtC Statement dated April 2021 was submitted for examination with the plan, but the information within it is not sufficient by itself for us to properly assess whether the duty to cooperate has been met. We will therefore require more information as an addendum to the DtC statement.
6. Section 1.0 of the DtC Statement refers to a SoCG currently being prepared separately. Can the Council direct us to the SoCG elsewhere in the evidence and clarify whether it has been duly prepared in accordance with the NPPF and PPG on cooperation matters? If a SoCG has not been prepared and submitted can the Council explain the reasons for this and confirm whether and when one (or more) will be available and published?
7. The DtC Statement identifies various organisations as strategic partners for each related strategic planning issue. While Annex B is indicated as an 'audit trail' of key meetings and decisions, there is limited detail provided of exactly how and when these organisations have been involved in the plan-making process or what the specific outcomes of any such engagement on strategic matters have been. The Council should provide further details including, as relevant and

appropriate, dates of meetings, workshops or discussions, minutes and notes of such engagement, and summaries in chronological order of the purposes of the meeting / workshop / discussion, who attended, the strategic planning issues discussed, identified outcomes or actions and any agreements or disagreements between any parties.

8. Ten strategic planning issues for the borough are set out in Section 4.0 of the DtC Statement. Can the Council clarify how and when these strategic matters were identified, which organisations were involved in their identification, and what actions have been taken to address them where they have cross-boundary implications?
9. In relation to the strategic matter of housing, what discussions have occurred with adjoining authorities about meeting any unmet housing needs, including for gypsies, travellers and travelling showpeople? Is there an agreed protocol for dealing with unmet housing needs should they arise?
10. Has a coordinated approach to the implications of growth in relation to Habitats Sites, including the Epping Forest Special Area of Conservation (SAC), been identified as a strategic matter? What engagement, if any, has taken place in this regard and when? Is there evidence to demonstrate constructive, active, and on-going cooperation or joint working?
11. To ensure that all relevant matters have been identified, would the Council summarise all Regulation 19 comments received that are relevant to the DtC, and provide the Council's response to those comments.

Legal compliance - the Conservation of Habitats and Species Regulations 2017

12. Would the Council please prepare a topic paper to clarify the approach taken to the Habitats Regulations and the evidence for that approach, including addressing the following points.
13. The conclusion of the Habitats Regulations Appropriate Assessment (AA) (April 2021) that the Plan would not result in adverse effects on the integrity of the Epping Forest SAC alone or in combination with other plans and projects arising from recreation pressure and air quality impacts is dependent on a number of mitigation measures.

What is the most up to date position in relation to the preparation of a Strategic Access Monitoring and Management Strategy (SAMMS), a Suitable Alternative Natural Greenspace Strategy (SANGS) and Air Quality Mitigation Strategy, all of which are proposed to be included in a 'Mitigating the Impact of Development on the SAC' Supplementary Planning Document (SPD)?

14. The AA Executive Summary indicates that the conclusion of no adverse effects also depends on the completion of Epping Forest District Council's SANG Strategy, prepared during the examination of the Epping Forest Local Plan. Have any further meetings or cooperation taken place with Epping Forest District Council in response to their letter dated 11 December 2020, which indicated that they would wish to make further representations including on the spatial strategy set out in LP1 pending further evidence in relation to atmospheric pollution? If so, further details should be provided including any agreed actions or outcomes.
15. What are the views of Natural England (NE) on the April 2021 version of the HRA (KD5.1), particularly with regards to the Epping Forest SAC? If the views of NE on the latest HRA have not been sought, they should be without delay. Comments received from NE should be published on the examination website.
16. How does the content of the letter from NE dated 5 March 2021, which refers to the need for a Strategic Solution for SANG and SANGS, relate to the HRA and the proposed policy approach in LP1 (KD1)? What are the implications of this for the plan's approach to mitigating the impact of development on the integrity of the SAC from recreational pressure?
17. While the submitted plan does not include site allocations, a number of proposed SANG sites are shown in Figure 5.1 of the AA within the HRA (KD5.1). What would these SANG sites be expected to contribute, are they deliverable, what effect would their delivery have on development viability and the deliverability of the plan's spatial and growth strategy? What degree of certainty is there that the proposed mitigation measures would be effective?

Green Belt

18. The Waltham Forest Focussed Green Belt and Metropolitan Open Land Assessment November 2019 recommends some boundary

adjustments. Does the plan propose these, or any other, changes to the Green Belt boundary? If so, have these been included on the submitted policies map? Do the emerging key/strategic sites in LP2 indicate a likelihood of any changes being required to Green Belt or Metropolitan Open Land boundaries?

Modifications

19. The Council requested in its submission letter of 30 April 2021 for us to recommend main modifications where they would be necessary to make the submitted plan sound or legally compliant. The submitted plan was accompanied by a schedule of proposed modifications (KD2), and further changes have since been added to the end of that document (pre-fixed 'PSPC' changes). Whilst the Council has indicated that some of the proposed changes are minor (termed 'additional' in the legislation), we would propose to discuss the modifications set out in KD2, including whether they are main or additional, at the hearing sessions, together with any others that may be necessary to address soundness or legal compliance issues.

General matters

20. Is the plan period of 2020 – 2035 appropriate and justified? Paragraph 22 of the NPPF states that strategic policies should look ahead over a minimum 15-year period from adoption. The plan covers the period to 2035 so, even if the plan was adopted in 2021, it would not provide for the minimum period. Does the Council propose to address this so that the plan period would be consistent with national policy? What would be the implications for the evidence base supporting the plan and for the policies if the plan period was extended?
21. Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. We understand from the introduction to LP1 that it is intended to replace the policies of the Core Strategy (2012), the Development Management Policies Document (2013), the Walthamstow Town Centre Area Action Plan (2014), and the Blackhorse Lane Area Action plan (2015). If so, the plan should contain a schedule of superseded policies to accord with Regulation

8(5)¹ and this could be progressed by means of a further proposed modification.

22. Having regard to Paragraph 67 of the NPPF, does LP1 seek to identify a sufficient supply of specific, deliverable sites for years one to five of the plan period and specific, developable sites or broad locations for growth from year six? If this is the intention, can the submitted plan demonstrate a deliverable five-year supply of housing land (5YHLS) at adoption and, if so, is there a reasonable prospect of this being maintained throughout the plan period? Where is this demonstrated in the evidence?
23. Are there any implications for the content of the plan or the evidence base arising from the adoption of the new London Plan, other than those indicated in the schedule of proposed changes (KD2), noting that the submitted plan (KD1) refers to the then-emerging Intend to Publish version of the new London Plan? Is there a need for any further proposed main modifications in this regard?

Next Steps

24. We understand that the Council will need some time to consider its response to this letter, including the preparation of **the topic paper**, the DtC addendum, and responses to the queries we have raised under general matters. We would therefore be grateful if the Council would provide the information we are requesting, via the Programme Officer, by **Monday 26 July 2021**. We will then be able to establish dates for commencement of the hearing sessions, and **confirm our MIQs** for the hearings, when we have considered the Council's responses.
25. In the meantime, if the Council has any queries about the timescale or content of this letter, please contact us through the Programme Officer.

Yours sincerely

Sarah Housden and Catherine Jack

INSPECTORS

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012