
Examination of the Tower Hamlets Local Plan

London Borough of Tower Hamlets

Response to Main Matter 1

For ease of reference, an index of the Local Plan (LP) policies including the relevant page numbers is included at appendix 1.1 of this statement.

Matter 1: General Matters and Legal Requirements

Issue 1 – Is the LP legally compliant?

Duty to cooperate

1.1 Overall, has the LP been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

- 1.1.1 The Tower Hamlets Local Plan has been prepared in accordance with the duty to cooperate in line with section 33A of the Planning and Compulsory Purchase Act and the Town and Country Planning (Local Planning (England) Regulations.
- 1.1.2 The Duty to Co-operate Statement (SD11) outlines how the requirements of this duty have been fulfilled. In particular, it explains how the London Borough of Tower Hamlets (the council) has engaged constructively, actively and on an ongoing basis with neighbouring authorities, the Greater London Authority and other relevant duty-to-cooperate bodies, and the ways in which the outcomes of this cooperation have informed the direction of the policies and proposals of the LP.¹
- 1.1.3 This cooperation and engagement has involved a range of methods, including regular meetings, stakeholder workshops, forums, joint sub-groups and public consultations on earlier iterations of the LP.
- 1.1.4 All relevant duty-to-cooperate bodies have been consulted at each stage of the LP preparation process. No objections have been received from neighbouring authorities and other relevant public bodies with regards to the duty to cooperate (as confirmed in the Regulation 22 Statement and Summary of Representations – SD4 and SD5).
- 1.1.5 In addition, a statement of common ground has been agreed with the London Borough of Hackney (SC001) and a letter of comfort from Transport for London (SC002). We have also agreed a memorandum of understanding with the London Legacy Development Corporation (SC003). Relevant correspondence (including records of meetings and workshops) is outlined in each statement of common ground. Each of these documents concludes that the duty-to-cooperate and the other relevant legal requirements have been met.
- 1.1.6 The London Borough of Tower Hamlets Legal Compliance Checklist (SD04) summarises how the legal requirements set out in the regulations in relation to the duty to cooperate have been addressed.

¹ For the purposes of the duty, the prescribed bodies are listed in the Regulation 22 Consultation Statement (SD4). These bodies are also prescribed within the Town and Country Planning (Local Planning) (England) Regulations 2012).

1.2 Does the LP adequately acknowledge cross border issues, particularly with regard to the 'duty to cooperate' on strategic matters?

- 1.2.1 Section 1 of the LP sets out the strategic context in which the borough sits, including its connections to other parts of London (including its relationship to neighbouring authorities, such as the London Legacy Corporation and the City of London) and the role it plays in the regeneration and growth of the east end of London and beyond.
- 1.2.2 Figure 2 of the LP illustrates the position of Tower Hamlets in the context of London and the wider south east, including key corridors of movement and areas of growth within or close to its boundaries which form an 'arc' of development around the River Thames, Lea Valley and the City of London. The borough portrait also confirms that the borough lies within a burgeoning growth corridor extending from London to Stanstead and Cambridge centred on enterprise and innovation.
- 1.2.3 Achieving the vision of the borough (see section 2 of the LP) is about embracing its role as a key engine of London's growth, making best use of the economic benefits arising from Canary Wharf, the City of London and Stratford. The vision and objectives specifically address the cross-boundary issues and strategic priorities facing the borough which have emerged through discussions with duty-to-cooperate partners (see section 4 of the Duty to Cooperate Statement). This includes:
- delivering more housing than required to meet our objectively assessed needs, thereby helping to deliver London's strategic needs;
 - improving connections between the borough and neighbouring boroughs;
 - making best use of the rivers Lea and Thames;
 - supporting the strategic role of Canary Wharf as a global business hub;
 - supporting the continued growth of existing opportunity areas, particularly in relation to the City Fringe (Tech City) and Lower Lea Valley which extend into adjoining boroughs; and
 - optimising the economic benefits from the borough's proximity to world-class visitor attractions (including world heritage sites).
- 1.2.4 The table below summarises how the policies (see section 3 of the LP) will address strategic planning issues that will have an impact beyond the boundaries of the borough, as identified through the evidence base and on-going engagement.

Subject / topic	Relevant policy / chapter	Strategic issues	How the cross boundary issue has been addressed	Relevant evidence base	Key duty to cooperate partners / forums
<ul style="list-style-type: none"> Distribution of growth 	<p>Policy S.SG1: Areas of opportunity and growth within Tower Hamlets</p> <p>Vision for City Fringe</p> <p>Vision for Isle of Dogs and South Poplar</p> <p>Vision for Lower Lea Valley</p>	<ul style="list-style-type: none"> Supporting / facilitating growth within opportunity areas 	<ul style="list-style-type: none"> Policy S.SG1 sets out the broad locations where development will be directed. This is focussed on the GLA's opportunity areas New development in the borough will also be expected to take account of the guidance set out in opportunity area frameworks, supplementary planning guidance and relevant masterplans) 	<ul style="list-style-type: none"> London Plan (SD07) Opportunity area planning frameworks (City Fringe, Isle of Dogs & South Poplar & Lower Lea Valley) 	<ul style="list-style-type: none"> Greater London Authority
<ul style="list-style-type: none"> Approach to the delivery of housing 	<p>Policy S.H1: Meeting housing needs</p>	<ul style="list-style-type: none"> Addressing London-wide strategic needs 	<ul style="list-style-type: none"> Sufficient land has been set aside in the LP to meet the London Plan target during the period of the London Plan GLA have confirmed that the LP is in general conformity with the current and emerging London Plan subject to a review within ten years Joint Strategic Housing Land Availability Assessment with the GLA 	<ul style="list-style-type: none"> London Strategic Housing Land Availability Assessment (GLA, 2017) Tower Hamlets SHMA (SED16 and 17) Greater London Authority representation to regulation 19 (LBTH/LP/001) 	<ul style="list-style-type: none"> Greater London Authority Hackney (joint 2014 SHMA)
<ul style="list-style-type: none"> World heritage sites 	<p>Policy D.DH5: World heritage sites</p> <p>Policy D.DH6: Tall buildings</p>	<ul style="list-style-type: none"> Potential cumulative impact of new development on the setting of world heritage sites (Tower of London and Greenwich Maritime) 	<ul style="list-style-type: none"> Focussing tall buildings within existing clusters Protecting the outstanding universal value of world heritage sites 	<ul style="list-style-type: none"> Tall Buildings Study (SED10) Conservation Strategy (SED11) Tower Hamlets SHMA (SED16 and 17) 	<ul style="list-style-type: none"> City of London Royal Borough of Greenwich Maritime Greenwich World Heritage Site
<ul style="list-style-type: none"> Strategic employment locations – preferred office locations and town centres 	<p>Policy S.EMP1: Creating investment and jobs</p> <p>Policy S.TC1: Supporting the</p>	<ul style="list-style-type: none"> Protecting the character and function of the Central Activities Zone (City Fringe and Canary Wharf) Securing the future supply of employment land 	<ul style="list-style-type: none"> Identification of Preferred Office Locations and the appropriate mix of uses including non-office floorspace Endorsing the upgrading of Canary Wharf as a metropolitan centre 	<ul style="list-style-type: none"> Preferred Office Boundary Review (SED29) Central Activities Area Supplementary Planning Guidance (SED32) 	<ul style="list-style-type: none"> City of London London Borough of Hackney Royal Borough of Greenwich Association of London Borough Planning

	network and hierarchy of centres			Employment Land Review (SED28)	Officers (ALBPO)
<ul style="list-style-type: none"> Views and vistas 	<p>Policy DH3: the historic environment</p> <p>Policy D.DH4: shaping and managing views</p>	<ul style="list-style-type: none"> Understanding of the role of heritage in the wider context Strategic views and vistas Inform tall building clusters 	<ul style="list-style-type: none"> Identification of the strategic views/vistas and archaeological priority areas Separate policy on protecting and enhancing views 	<ul style="list-style-type: none"> Views & Landmarks Topic Paper (SED15) London Views Management Framework (SED14) Tall Buildings Study (SED10) 	<ul style="list-style-type: none"> Heritage England Greater London Authority City of London London Borough of Hackney Royal Borough of Greenwich
<ul style="list-style-type: none"> Managing cross-boundary waste movements 	<p>Policy S.MW1: managing our waste</p>	<ul style="list-style-type: none"> Addressing London Plan's waste apportionment 	<ul style="list-style-type: none"> Identification of areas of search and safeguarding of existing waste sites in LLDC Monitoring and reviewing waste capacity Future joint working arrangements 	<ul style="list-style-type: none"> Memorandum of Understanding (SC004) Waste Management Evidence Base (SED59) 	<ul style="list-style-type: none"> London Legacy Development Corporation Environment Agency GLA North London Waste Authority East London Waste Authority
<ul style="list-style-type: none"> Open space and green grid links 	<p>Policy S.OWS1: creating a network of open spaces</p> <p>Policy D.OWS4: Water spaces</p> <p>Vision for Lower Lea Valley</p>	<ul style="list-style-type: none"> Opportunities to link the River Lea Valley to London's wider green grid network Strengthening cross-boundary connections between sites and habitats 	<ul style="list-style-type: none"> Greater emphasis to the elements of the Lea River Park in the green grid and site allocations mapping Identification of key strategic projects: <ul style="list-style-type: none"> Lea River Park (including new publically accessible spaces and a new continuous pedestrian and cycle route along the River Lea: the Leaway) Thames Path Queen Elizabeth Olympic Park 	<ul style="list-style-type: none"> Open Spaces Strategy (SED39) Green Grid Strategy (SED42) Lea River Park Primer (SED47) Lea River Park Design Manual (SED48) 	<ul style="list-style-type: none"> Environment Agency Natural England Lea Valley Regional Park Authority London Legacy Development Corporation London Borough of Newham Sport England
<ul style="list-style-type: none"> Waterspaces 	<p>Policy S.H1: meeting housing need</p> <p>Policy D.OWS4: waterspaces</p>	<ul style="list-style-type: none"> Securing more moorings to help to address strategic housing needs 	<ul style="list-style-type: none"> Identification of suitable locations for additional residential moorings 	<ul style="list-style-type: none"> 2017 SHMA (SED17) Waterspace Study (SED43) 	<ul style="list-style-type: none"> Canal & River Trust Port of London Authority Environment Agency

	<p>Policy D.TR4: sustainable delivery and servicing</p> <p>Policy D.MW2: new and enhanced waste facilities</p>	<ul style="list-style-type: none"> Supporting the continued operation of the borough's safeguarded wharves and rail depots which serve a strategic role in the context of London 	<ul style="list-style-type: none"> Greater focus on the need to ensure that development does not have a negative impact on the role of the wharves (e.g. Northumberland Wharf and Orchard Wharf) to facilitate the sustainable use of freight and transport 	<ul style="list-style-type: none"> London Plan (SD07) Port of London Authority Statement of Common Ground (SCG08) 	<ul style="list-style-type: none"> Canal and River Trust Port of London Authority Lea Valley Regional Park Authority
	<p>Policy S.OWS2: Enhancing the network of water spaces</p>	<ul style="list-style-type: none"> Ensure marine planning is embedded into decision making Influencing and managing development and activities within the tidal parts of the rivers Thames and Lea 	<ul style="list-style-type: none"> References to the South East Marine Plan, Thames Estuary 2100 Plan and Thames Vision have been incorporated 	<ul style="list-style-type: none"> South East Marine Plan (emerging) Thames Vision (SED45) Thames Estuary 2100 Plan (SED46) 	<ul style="list-style-type: none"> Marine Management Organisation Lea Valley Regional Park Authority Port of London Authority
<ul style="list-style-type: none"> Strategic transport 	<p>Policy S.TR1: sustainable travel</p>	<ul style="list-style-type: none"> Prioritising the use of sustainable transport and borough-wide permit-free development 	<ul style="list-style-type: none"> Identification of key strategic projects, including: <ul style="list-style-type: none"> station upgrades; new bridge / river connections; bus and cycle network enhancements; and expansion of DLR/underground lines 	<ul style="list-style-type: none"> Tower Hamlets Strategic Transport Assessment (SED61) Infrastructure Delivery Plan (SD06) TfL Letter of Comfort (SC002) 	<ul style="list-style-type: none"> Transport for London Canal & River Trust LLDC Transport for London

1.2.5 The following site allocations also have significant cross-boundary implications which have been addressed through the development requirements set out in section 4 of the LP.

Site allocation	Context / issue	How the issue has been addressed	Relevant evidence base	Method of engagement
Bishopsgate Goods Yard (1.1)	<ul style="list-style-type: none"> This site lies within the administrative boundaries of Hackney and Tower Hamlets (as shown on figure 23). Strong demand for affordable workspace in City Fringe opportunity area Addressing open space and green grid deficiencies in both Hackney and Tower Hamlets Proximity to listed buildings and conservation areas 	<ul style="list-style-type: none"> Stronger focus on employment uses Green grid links to improve connectivity between boroughs Strategic open space (minimum of 1 hectare) Reference to heritage assets as a minor amendment 	<ul style="list-style-type: none"> Statement of Common Ground With LB Hackney (SCG06) Regulation 22 Statement (SD4) Duty to Cooperate Statement (SD11) 	<ul style="list-style-type: none"> Regular ongoing meetings Regulation 18 and 19 consultations
Marian Place Gas Works and The Oval (1.3)	<ul style="list-style-type: none"> The site lies immediately south of the London Borough of Hackney. 	<ul style="list-style-type: none"> Protection and enhancement of heritage assets in the surrounding area 	<ul style="list-style-type: none"> Statement of Consultation (SD4) Duty to Cooperate Statement (SD11) 	<ul style="list-style-type: none"> Regular ongoing meetings
Alisia Street (3.1)	<ul style="list-style-type: none"> The site lies immediately west of the London Borough of Newham A bridge is required across the River Lea to Newham in order to enhance strategic links to Lea River Park 	<ul style="list-style-type: none"> Land has been safeguarded within the site allocation to facilitate the delivery of the new bridge. 	<ul style="list-style-type: none"> Green Grid Strategy (SED42) Waterspace Study (SED43) Duty to Cooperate Statement (SD11) 	<ul style="list-style-type: none"> Planning applications Regular discussions (pre-application stage)
Leven Road (3.2)	<ul style="list-style-type: none"> The site lies immediately west of the London Borough of Newham A series of bridges / crossings are required across the River Lea to Newham in order to enhance strategic links to Lea River Park 	<ul style="list-style-type: none"> Land has been safeguarded within the site allocation to facilitate the delivery of the new bridges / crossings. 	<ul style="list-style-type: none"> Statement of Common Ground (SCG12) Green Grid Strategy (SED42) Waterspace Study (SED43) Regulation 22 Statement (SD4) Duty to Cooperate Statement (SD11) 	<ul style="list-style-type: none"> Planning applications Regular discussions (pre-application stage)

1.2.6 Section 5 of the LP acknowledges the ongoing need to work in partnership with neighbouring boroughs and other public bodies to effectively deliver the vision, aims and policies of the Local Plan. The Tower Hamlets Statement of Community Involvement Refresh (SD10) sets out how we intend to involve our partners in the implementation and delivery of the LP. In addition, a number of the LP policies specifically highlight how we will work with neighbouring boroughs and other relevant public bodies to coordinate and

address cross-boundary strategic issues, such as flood risk (see policy S.ES1), waste management (see policy D.MW2) and transportation (see policy S.TR1).

- 1.2.7 Further detail on how strategic cross-boundary issues have been addressed through the LP is outlined in the Duty to Cooperate Statement (SD11)).

1.3 How does the LP align with those of adjacent boroughs?

- 1.3.1 The LP aligns closely with those of neighbouring boroughs. In preparing the LP, we have worked closely with neighbouring authorities and the Greater London Authority to ensure it is consistent with the policies and proposals set out in other plans and strategies, including:

- development plan documents (e.g. area action plans, core strategies and single plans);
- marine plans;
- opportunity area planning frameworks (City Fringe, Isle of Dogs and South Poplar and Lower Lea Valley); and
- supplementary planning documents.

- 1.3.2 In addition, officers from Tower Hamlets have been involved in the development of other local plans from neighbouring boroughs including City of London, Newham, Greenwich, Hackney and the London Legacy Development Corporation.

- 1.3.3 As set out in the Duty to Corporate Statement and Regulation 22 Statement, joint working between neighbouring boroughs has involved:

- preparing joint evidence base documents (e.g. Tower Hamlets Strategic Housing Market Assessment (2014), Lea Valley Primer and Newham Strategic Flood Risk Assessment) to inform the development of local plans;
- responding to consultations on the GLA's opportunity area frameworks, including attending joint workshops to discuss cross-boundary strategic issues (City Fringe Isle of Dogs and South Poplar and Lower Lea Valley);
- regular discussions through duty-to-cooperate meetings, joint London-wide events and attendance at the Association of London Borough Planning Officers;
- establishing joint stakeholder and working groups (e.g. London Legacy Development Corporation Planning Policy Forum) to discuss strategic planning matters and review/monitor the effectiveness of policies and programmes;
- monitoring work programmes and the progression of LP documents;
- responding to consultations on each borough's LP and relevant supporting guidance, including attendance at public consultation events and steering group meetings;
- sharing early drafts/iterations of emerging development plan documents (e.g. Tower Hamlets LP) and relevant supplementary planning documents with policy officers from neighbouring authorities, in the interests of ensuring a common approach to strategic planning matters; and
- preparing statements of common ground/memorandums of understanding with neighbouring authorities to demonstrate agreement on the delivery of key development sites and designations, where they cross administrative boundaries (e.g. Bishopgate Goods Yard).

- 1.3.4. All of the responses from neighbouring authorities to the LP (as set out in the Summary of Representations) have been positive and reflect the work that has been undertaken jointly on cross-boundary strategic priorities (see section 4 of the Duty to Cooperate Statement).

Other legal requirements

1.5 Has the LP been prepared to be in general conformity with the London Plan?

- 1.5.1 The LP has been prepared in line with the requirements of the London Plan (SD07) under section 24(4)(b) of the 2004 Act (as amended). The Greater London Authority (GLA) has been invited to make representations throughout the preparation of the LP and specific duty-to-cooperate engagement activities have taken place (see section 3 of the Duty to Cooperate Statement –SD11).
- 1.5.2 The GLA’s response to the regulation 19 consultation confirms that the LP is in general conformity with strategic policies set out in the London Plan, subject to *“a review within 10 years of its adoption in order to address housing supply towards the later end of the plan”*².
- 1.5.3 In particular, the GLA is supportive of the LP approach to growth, with its focus on delivering new housing and employment within the opportunity areas and other locations with good accessibility to transport, such as town centres.
- 1.5.4 Key areas of alignment between the adopted London Plan (GLA, 2016) and the emerging LP include:
- steering growth towards opportunity areas (City Fringe, Isle of Dogs and South Poplar and Lower Lea Valley) where there are significant opportunities to accommodate new housing and jobs;
 - protecting and encouraging the expansion of employment spaces in the Preferred Office Locations, especially at Canary Wharf and City Fringe;
 - enabling the delivery of a significant number of new homes to meet both local and strategic needs;
 - promoting culture, tourism and the night time economy;
 - adopting a proactive approach to creating a network of open spaces and water spaces across the borough;
 - working towards a zero carbon borough; and
 - promoting sustainable transport.
- 1.5.5 Section 5 of the LP sets out a review mechanism (see chapter 6) to ensure its policies are kept up-to-date and consistent with the targets set out in the London Plan.
- 1.5.6 The GLA also suggests that the LP would benefit from minor wording changes to improve its clarity and comprehension. In response to these comments, a small number of minor changes have been made to the regulation 19 version of the LP, as set out in the Schedule of Minor Modifications (SD3a).

1.6 Has the LP been prepared in accordance with the Council’s Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

- 1.6.1 Yes, the production of the LP has been prepared in accordance with the Tower Hamlets Statement of Community Involvement (SD10) and the Town and Country Planning (Local Planning) Regulations 2012 at each stage of plan preparation. The Tower Hamlets Regulation 22 Consultation Statement (SD4) summarises the stages of public consultation

² A copy of the full response to the consultation is outlined in the Summary of Representations (SD5). Our response to the Mayor of London’s consultation is set out in the “Regulation 19 consultation responses + LBTH responses” (LBTH/LP/001).

undertaken in line with regulations 18 and 19 of the Town and Country Planning (Local Planning) Regulations.

1.6.2 The last round of consultation relating to the regulation 19 stage of the LP process has followed the Statement of Community Involvement Refresh (2017), whilst the previous consultations have been prepared in accordance with the Statement of Community Involvement (2012). The updates in the refresh document relate to changes in national and regional policy and legislation, changes in local circumstances and out-dated terminology. The updates are set out in the latest Statement of Community Involvement (SD10) and the following updates relate specifically to the consultation for the LP:

- Duty to co-operate and general consultees.
- Updates details of publications.
- Inclusion of social media as a public engagement tool.

1.6.3 The following table sets out where the requirements set out in the latest Statement of Community Involvement (SD10) and the Town and Country Planning (Local Planning) Regulations have been met.

Relevant requirements as set out under paragraph (c) in regulation 22 of the TCPA regulations	Our community involvement commitments as set out in the Statement of Community Involvement (2012 and 2017 refresh)	Section within the Regulation 22 Consultation Statement
(i) which bodies and persons the local planning authority invited to make representations under regulation 18	Section 9.2 and 9.3 (SCI, 2012) Section 7. (SCI, 2017)	Appendix 1: Statutory Consultees Appendix 2: General Consultees
(ii) how those bodies and persons were invited to make representations under regulation 18	Section 11. (SCI, 2012) Attachment B: Development Plan Documents (SCI, 2012) Section 8 (SCI, 2017) Appendix 2: Development Plan Documents (SCI, 2017)	Section 3.1 Consultation Methods Section 3.2: Consultation Events
(iii) a summary of the main issues raised by the representations made pursuant to regulation 18	Section 12 (SCI, 2012) Section 9 (SCI, 2017)	Section 4: Stage 1 (Regulation 18): Consultation Responses Summary Section 5: Stage 2 (Regulation 18): Consultation Responses Summary
(iv) how any representations made pursuant to regulation 18 have been taken into account		Section 4: Stage 1 (Regulation 18): Consultation Responses Summary Section 5: Stage 2 (Regulation 18): Consultation Responses Summary
(v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations		Section 7: Stage 3 (Regulation 19): Consultation Responses Summary
(vi) if no representations were made in regulation 20, that no such representations were made		N/A

1.7 Has the formulation of the LP been based on a sound process of sustainability appraisal (SA) and testing of reasonable alternatives, does the SA consider all likely significant effects on the environment, together with economic and social factors? Is it clear how the SA has influenced the final LP?

1.7.1 An Integrated Impact Assessment (IIA) (SD6) has been developed to assess the impact of the LP from the outset of its preparation. In particular, it incorporates an assessment of the social, economic, and environmental effects of the LP, including the reasonable alternatives (known as the sustainability appraisal). The sustainability appraisal (SA) identifies the nature and importance of these effects as well as any additional measures to mitigate them.

1.7.2 The SA contains all of the elements referred to in the National Planning Practice Guidance checklist (see appendix B of the IIA), based on the requirements of section 19 of the Planning and Compulsory Purchase Act 2004 and the Environmental Assessment of Plans and Programmes Regulations 2004. The SA process is therefore considered to be sound.

1.7.3 Reasonable alternatives were identified and tested in relation to:

- policies D.DH6³, D.DH7⁴, D.H2, D.H3, D.EMP4, D.TC2, D.TC3, D.ES6 and S.MW1⁵;
- the spatial strategy (the four sub-areas); and
- the car and cycle parking standards (contained in an appendix, but addressed in policy D.TR3).

1.7.4 In other cases, the ability to consider alternatives was constrained due to the fact that the LP is required under law to be in conformity with the London Plan and the National Planning Policy Framework (see paragraphs 3.2.2 – 3.2.4 in the IIA). These alternatives (including the reason for selecting the preferred options and rejecting the alternatives) are covered in more detail in appendices J and K of the IIA.

Does the SA consider all likely significant effects on the environment, together with economic and social factors?

1.7.5 Appendix F of the IIA sets out the 16 sustainability objectives used to consider policies and site allocations, and includes prompt questions, indicators and the basis for allocating each policy or site allocation with a score. These objectives were developed in the scoping report and address the SEA requirements, the outcome of the summary of relevant plans and programmes and the sustainability issues identified through the baseline. The sixteen objectives address environmental, economic and social factors.

1.7.6 All policies and site allocations in the LP were considered against sixteen sustainability objectives (see appendices L and M of the IIA). Section 3.5 of the main IIA report identifies the potential cumulative, synergistic and secondary effects of the LP, and also between the policies and other relevant plans and programmes. Consequently, the SA provides a thorough examination of all the likely significant environmental, economic and social impacts.

Is it clear how the SA has influenced the final LP?

1.7.7 As described in section 3.11 of the IIA, the production of the SA was undertaken alongside the preparation of the LP and through an iterative process between the IIA consultants and officers from the council. Table 3.10 and appendix A provides a summary of recommendations made in the IIA and how the LP has responded to them. A similar table was produced alongside each of the IIAs, which were consulted on at each stage of the LP

³ Listed as policy DH5 in the IIA (appendix J)

⁴ Listed as policy DH6 in the IIA (appendix J)

⁵ Listed as policy ES7 in the IIA (appendix J)

process. In addition, the choice of preferred options from the reasonable alternatives considered in the SA is another way in which the SA influenced the final LP.

1.8 Does the LP give adequate consideration to the Habitat Regulations? Will the implementation of the LP, alone or in combination, adversely affect any Natura 2000 sites?

1.8.1 The Integrated Impact Assessment (SD6) also includes a habitats regulations assessment (HRA) which assesses the potential impact of the LP on Nature 2000 European sites.

1.8.2 The HRA examined the impacts on sites at Epping Forest, Richmond Park, Wimbledon Common and Lee Valley, both in relation to the LP and in combination with other plans and programmes. It concluded that there was a lack of reasonable impact pathways for the LP to have a measurable impact on Richmond Park or Wimbledon Common.

1.8.3 For the remaining sites (Epping Forest Special Area of Conservation, Lee Valley Special Protection Area and Lee Valley Ramsar), the HRA concluded that the LP could have some limited impacts on the sites, particularly in terms of increased visitor pressure or reduced air quality. Consequently, some amendments were incorporated into policies D.ES2 and D.ES3 of the LP in order to mitigate this risk.

1.8.4 In conclusion, the HRA has shown that the LP will not have significant adverse effects on Natura 2000 sites, either alone or in combination with other plans and programmes. In addition, recommendations from the report have been reflected in the policies in order to ensure developments suitably assess their potential impact on some Natura 2000 sites. In this way, the LP has given adequate consideration to the habitat regulations. This approach was approved by Natural England (see representation LP120).

1.9 In light of the Judgement of the Court of Justice for the European Union of 12 April 2018 (People Over Wind and Sweetman v Coillte Teoranta Case C-C323/17: Consideration of avoidance and reduction measures in Habitat Regulations Assessment). Does the Council consider the HA to be legally compliant, and if not, what further work would be required in light of the judgement?

1.9.1 Our HRA consultants are currently undertaking a review of the HRA in light of this ruling and will be producing a short statement outlining their conclusions. This will be available in advance of the hearing sessions. They are engaging with Natural England, who have indicated that they consider the HRA is legally compliant in light of the recent judgement. Please see letter from Natural England in appendix 1.2.