

Examination - London Legacy Development Corporation (LLDC) Local Plan 2015 to 2031

Inspector's Matters, Issues and Questions

Matter 1: The Duty to Co-operate and other Legal Requirements

Issues: (i) whether the duty to co-operate has been met; and (ii) whether the legal requirements have been complied with.

Questions

Duty to Co-operate

Section 33A of the Planning and Compulsory Purchase Act 2004, as amended by s110 of the Localism Act 2011, imposes the duty to co-operate in relation to the planning of sustainable development. Neighbouring local planning authorities, County Councils and bodies prescribed in the Town and Country Planning Regulations 2012, must engage constructively, actively and on an ongoing basis in the preparation of development plan documents. Section s20(7B) of the 2004 Act establishes that the duty to co-operate is incapable of modification at examination. Where the duty to co-operate has not been complied with, the Inspector has no choice but to recommend non adoption of a local plan.

1. Has the Legacy Corporation met the duty to co-operate in the preparation of the Local Plan? In particular, has constructive, active and ongoing engagement taken place with the Greater London Authority, Host and other London Borough Councils, and the prescribed bodies?
2. Having regard to the Legacy Corporation's origins, role and function, (see Page 4 of the Local Plan Background Paper: Duty to Co-operate [TBP/03]), and the co-operation arrangements described in that document, have appropriate processes for co-operation been established and followed?
3. Has there been constructive, active and ongoing engagement between the relevant parties to maximise effectiveness in respect of all main issues, in particular the following:
 - housing policy and targets for new development;
 - provision for gypsy and traveller accommodation;
 - the planned growth of Stratford Metropolitan Town Centre (55,000sqm comparison retail floorspace) and possible adverse impact on other town centres; and
 - waste management policy?If not, how exactly has the process been deficient?

Other Legal Requirements

4. Local Development Scheme (LDS) – Has the Local Plan been prepared in accordance with the LDS [Revised (draft?) LDS Feb 2014 -LD21], in respect of timing and content.
5. Public Consultation - Has the plan been prepared in accordance with the Corporation's statement of community involvement (SCI) [LD/20], and in accordance with the 2004 Act and the Regulations 2012? Has public consultation with local business been sufficient and consistent with the SCI? Have the special arrangements to

ensure that hard to reach groups including gypsies and travellers are consulted been properly applied?

6. Sustainability Appraisal – Was this carried out adequately having regard also for Strategic Environmental Assessment requirements¹ [LD/05-LD/11]?
7. Appropriate Assessment – have the requirements of the Habitats Regulations been met [LD/12 & LD/13]?
8. Has the Local Plan had regard for relevant sustainable community strategy? The Legal Compliance self-assessment, LD/24, cites the Strategic Regeneration Framework for London as relevant.
9. Has due regard been had to the public sector equality duty (Equality Act 2010)? (See LD/14 & LD/15)?
10. Is the Local Plan in general conformity with the London Plan 2011 and amendments to it [RP/01, RP/02, RP/03, RP/04]? Has sufficient regard been had to the GLA's comments in its letter of 6 Oct 2014 [LD/25]?
11. Appendix 1 to the Local Plan explains that it will supersede the adopted Local Plans which currently apply to the area, once adopted. Are there any significant departures and differences from the plans listed in Appendix 1, and if so are these fully justified (very briefly with a cross-reference to other matters if necessary)? And is the approach set out in Stratford Metropolitan Masterplan [BPP/10] carried through to the current Local Plan?
12. Is the plan consistent with national policy in the NPPF, with the 2004 Act (as amended) and 2012 Regulations? If not, state very briefly (with a cross-reference to other matters if necessary) in what way it departs from national policy.
13. Have the requirements of the Public Sector Equality Duty been met?

Jill Kingaby (Inspector)

Potential participants:

LB Newham
LB Tower Hamlets
LB Hackney
LB Waltham Forest
Natural England
English Heritage
Lea Valley Regional Park

¹ European Directive 2001/42/EC included in Planning and Compulsory Purchase Act 2004