

LOCAL PLAN EXAMINATION HEARING

Tuesday, 19 July 2022 - 2:00 - 5:00 pm
Council Chamber, Barking Town Hall

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- 1. Matter 1 (cont) - Legal and Procedural Requirements (Pages 1 - 6)**

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The Planning Inspectorate

Barking and Dagenham Local Plan 2037 Examination Inspectors:

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Examination Webpage:

<https://www.lbbd.gov.uk/local-plan-review>

**STAGE 1 HEARINGS AGENDA
DAY 1 TUESDAY 19 JULY 2022**

**Morning Session 10:00 to 13:00 and
Afternoon Session 14:00 to 17:00**

NOTES:

- When referring to the Local Plan as part of the hearings, this means the London Borough of Barking and Dagenham Draft Local 2037 Second Revised Regulation 19 Consultation Version (Autumn 2021) (C1) and the London Borough of Barking and Dagenham Draft Local 2037 Appendix Two: proposed Site Allocations Second Revised Regulation 19 Consultation Version (Autumn 2021) (C2).
- The Council has proposed numerous changes to the submitted Local Plan and the Submission Policies Map C3. The Council have also requested the Inspectors recommend changes necessary to make the Local Plan sound or legally compliant. The Inspectors are only empowered to recommend changes to the Local Plan that are **necessary** for soundness or legal compliance reasons.

Matter 1 – Legal and Procedural Requirements

Inspectors Opening Announcements

Councils Opening Comments

Matter 1, Issue 1 – Whether the Council has complied with the duty to co-operate in the preparation of the Local Plan.

- Q1. What are the strategic matters relevant to the preparation of the Local Plan (as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004)?

- Q2. For each of these, who has the Council co-operated with during the preparation of the Local Plan, what form has this taken? What has been the outcome of this co-operation?
- When did the Council first realise it was unable to meet its own need for Gypsy and Traveller Accommodation and exactly how and when was this communicated with neighbouring authorities? Did the Council ever explicitly ask any neighbouring authority if it could assist with meeting the Council's identified need for Gypsy and Traveller Accommodation? Where is the evidence of engagement on this matter before the Local Plan was submitted?
 - The Exceptional Circumstances and Green Belt Release Topic Paper says at 2.5.2 that it will await the outcome of the hearing sessions prior to agreeing updated statements of common ground, what is meant by this?
- Q3. Have any substantial concerns been raised in terms of compliance with the duty to co-operate?
- Q4. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan?

Matter 1, Issue 2 – Whether the Council has complied with relevant procedural and legal requirements.

(Plan preparation, sustainability appraisal, habitats assessment, climate change, public sector equality duty and general conformity with the London Plan)

Plan preparation

- Q1. Has the preparation of the Local Plan been in accordance with the Local Development Scheme in terms of its form, scope and timing?
- Q2. Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents, particularly with regard to the submission Policies Map and the evidence base?
- Is the Council satisfied that the documents it proposes to produce for consultation will be sufficiently clear and will not add further confusion?
 - Now that the Local Plan has been submitted is the Council's proposed approach to further consultation during the examination legally compliant?
 - Will the scope of any consultation need to be limited to main or "initial" Modifications which the Inspectors consider to be necessary to the Local Plan?
 - Will individuals responding to this consultation have the right to be heard?

- When and how should people reasonably be able to respond to new evidence as part of the examination?
- Q3. The Council say in EX22 that the submission Policies Map is C3? What is the role of all other maps shown in C1 and C2? Are those other maps in C1 and C2 necessary? The submission policies map should accurately show all the changes which would be made to the Council's Policies Map if the Local Plan was adopted, what is necessary to achieve this?
- Is C3 the Council's submission Policies Map?
 - Are all other maps in C1 or C2 not part of the submission Policies Map? What about Appendix 5 of C1?
- Q4. The Council say in EX22 that some 11 sites are shown as allocations in C1, but they are not proposed for allocation, is it clear which sites are allocated in the Local Plan for development? Would this have been clear to everyone responding to the Regulation 19 consultation? Are any sites proposed for development not shown on C3 (e.g. Eastbrookend Country Park Gypsy and Traveller site expansion)? Generally, are all these sites accurately detailed in the Local Plan and on the submission Policies Map (C3)? If not, how could this be remedied?
- When did the Council first become aware of the issues associated with the site allocations and the geographical application of the Local Plan on the submission Policies Map?
 - What is the purpose of Appendix 2 of the Local Plan (C1)? Does it duplicate C2?
 - What is the purpose of the Figures in each Area Policy of C1? Do those Figures form part of those Area Policies or not? Are they intended to duplicate C2 and or the C3? Are they necessary? what do they add when read alongside Appendix 2 of C1, C2 and C3?
 - Why is the Council's submission Policies Map so inaccurate? Given the scale of these inaccuracies has the Council met the regulations?
 - Can sites which are detailed only on the Figures in the Local Plan and not the submission Policies Map or referred to anywhere else in the Local Plan reasonably be regarded as allocations?¹ What makes those sites any different to any other sites which are not part of the Local Plan (Omission Sites)?

¹ Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development
Paragraph: 002 Reference ID: 61-002-20190315 of the Plan Making PPG.

- Have the Council considered the consequences of the changes proposed to the allocations to other parts of the Local Plan and the evidence base – e.g. housing numbers for each area and infrastructure planning?
 - Where do sites HQ, ZO and HL feature in the submitted Local Plan? Are they Omission Sites? Can they reasonably be regarded as part of the submitted Local Plan? What would be the implications of adding them in now?
 - Appendix B of the Council's Statement shows 20 sites which the Council either wish to remove, add to the Local Plan or alter the boundaries. Why is each proposed change necessary? why is the change needed now? (All without prejudice to detailed discussion on all sites as part of Stage 2 hearings).
- Q5. Does the submission Policies Map (C3) accurately show changes to all other policy designations e.g. the Green Belt, as result of the adoption of C1? If not, how could this be remedied?
- Exactly what needs to be changed on the submission Policies Map (C3)? What is the scale of each of these changes? How would the Council show and explain the detailed changes to the C3?
- Q6. A number of documents have been submitted to the Examination which do not appear to have been available at the time of the Regulation 19 Consultation and a number of documents are intended to be produced to justify proposals in C1 or to inform proposed modifications to it. Is public consultation necessary on those documents and how and when should such consultation take place?
- Will it be sufficient for people to comment on the evidence as part of any response to consultation of main or "initial" modifications? Or is separate consultation needed on any specific evidence, if so which and why? How would the consultation response be used?
- Q7 In overall terms, has the preparation of the Local Plan complied with the Statement of Community Involvement?
- Q8. In overall terms, are all the proposals detailed in the submitted Local Plan sufficiently clear and free from error such that anyone making representations on the submitted Local Plan could fully understand all the proposals within it?
- Could members of the public reasonably consider all sites proposed for allocation in the Local Plan when considering whether to make a representation at the Regulation 19 stage?
 - Could members of the public reasonably understand the geographic application of all policies proposed in the Local Plan at the Regulation 19 Stage?

Sustainability Appraisal

- Q9. How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage?
- Q10. Does the SA assess all reasonable alternative spatial strategy options, levels of housing and employment need and options relating to other policies in the Local Plan? Where it is considered that there are no reasonable alternatives is this clearly explained?
- Q11. Has the methodology for the SA been appropriate? Was it based on reasonable and up to date evidence? What concerns have been raised and what is the Council's response to these? Have the requirements for Strategic Environmental Assessment been met?
- Q12. Are there any implications for the SA associated with the issues identified in EX21? Will the SA require updating to reflect any new evidence?
- [What are the implications for the SA associated with the Council's proposed modifications to the Local Plan?](#)

Habitats Regulation Assessment

- Q13. Does the Habitats Regulations Assessment comply with the relevant legal requirements and is there any reason to suggest that its conclusions are incorrect?
- [Lea Valley SPA/Ramsar Site? Does the Habitats Regulations Assessment need updating? Has there been any engagement with Natural England on this matter?](#)
- Q14. How has the Plan responded to the need to mitigate potential adverse effects on the Epping Forest Special Area of Conservation? Is this consistent with the Habitats Regulations Assessment?
- Q15. How would any subsequent changes to the mitigation strategy affect the approach taken in the Plan?
- Q16. Will any of the major transport projects require separate Habitats Regulations Assessment? If so, has any such work been undertaken?

Climate Change

- Q17. Does the Plan contribute to the mitigation, and adaptation to, climate change consistent with s19 of the Planning and Compulsory Purchase Act 2004 and paragraphs 152-158 of the NPPF? Does the Local Plan include policies in relation to the mitigation of and adaptation to climate change? Which Policies specifically?

Equality Impact Assessment

Q18. Does the Community and Equality Impact Assessment identify all relevant groups with protected characteristics? Have their needs been taken into account in preparing the Plan?

General Conformity with the London Plan

Q19. Is the submitted Local Plan in general conformity with the London Plan?

Q20. Which modifications have been proposed to address any issues of general conformity? What is the current position of the Mayor of London in light of these suggested modifications and any further discussions that have taken place?

Q21. Are any further discussions with the Mayor of London taking place, when is it expected those discussions would be concluded and what is the intended outcome of those discussions?