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| Committee(s): Epping Forest and Commons | Date(s): 09 09 2019 |
| Subject: City of London Corporation response to the London Borough of Waltham Forest 'Shaping the Borough Draft Local Plan 2020 – 2035 consultation document (SEF 31/19) | Public |
| Report of: Director of Open Spaces | For Decision |
| Report author: Jeremy Dagley – Open Spaces Epping Forest | |

Summary

The London Borough of Waltham Forest Draft Local Plan for 2020 – 2035 sets out the long-term development strategy for the Borough and is one of the Council's most important corporate strategies making provision for new housing, employment and other development needs, together with key policies for Heritage and Environmental protection which directly impact upon Epping Forest.

The new 255-page Local Plan is being prepared to respond to local requirements and to reflect national and London Plan policy changes that have emerged in recent years. The timing of the consultation running between 22 July and 30 September prevents a detailed report being considered by your Committee and therefore delegated powers are sought to ensure that a comprehensive response regarding the potential impact on Epping Forest is made within the consultation period.

Recommendation(s)

Members are asked that:

- Authority be delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman and Director of Open Spaces, to provide detailed comments regarding the Local Plan's impact on and protection of Epping Forest.

Main Report

Background

1. Parts of Epping Forest fall within the jurisdiction of 4 Local authorities including the London Borough of Waltham Forest. Some 427 hectares or 17% of the Forest is within the Borough and contributes to 31% of the Borough's total Public Open Space provision. Key sites include Highams Park; Walthamstow Forest and some the Forest's most visited areas including Leyton Flats.

2. Recent changes to planning legislation set a period of 5 years within which Councils must review their Local Plans. The Council's lead development plan document, the Core Strategy, was adopted in March 2012 and is therefore considered to be increasingly out-of-date. A new Local Plan is being prepared to respond to shifting local pressures and requirements and to reflect national and London Plan policy changes that have emerged in recent years, such as the borough's housing target.

Current Position

3. The London Borough of Waltham Forest Local Plan for 2020 – 2035 sets out the long-term development strategy for the Borough and is one of the Council's most important corporate strategies making provision for new housing, employment and other development needs, together with key policies for Heritage and Environmental protection which directly impact upon Epping Forest.
4. The public consultation for the plan runs from Monday 22 July 2019 until midnight on Monday 30 September 2019. In addition to the online plan, 10 public engagement events are scheduled and an introductory leaflet has been delivered from Monday 22 July 2019 to households and businesses across the borough. The timing of the consultation period prevents a detailed report on the Plan being considered by your Committee.

Options

5. Your Committee has two options;
 - 5.1 To not to comment on the Local Plan and forgo the opportunity to influence Local Authority for 17% of the Forest for the next 15 years.
 - 5.2 To provide detailed comments on the Local Plan ensuring that the public, landscape and conservation value of the Forest are fully represented and protected in the new Local Plan, alongside proposals for the Special Area of Conservation (SAC) Mitigation Strategy.

Proposals

6. Officers will make detailed comments on the Local Plan, particularly on policies for (8) 'Decent Homes for Everyone'; (16) 'Enhancing and Preserving our Heritage'; (17) 'Protecting and Enhancing the Environment' and (18) 'Ensuring Climate Change Resilience'. Officers will place particular emphasis on the Borough's role as a 'Competent Authority' in relation to the Special Area of Conservation, and the consequent Mitigation Strategy, alongside requirements for appropriate assessment through a Habitats Regulation Assessment (HRA).

Corporate & Strategic Implications

7. The recommendations of this report support the Corporate Plan with particular reference to the following aims:

a. Contribute to a flourishing society

- i. People enjoy good health and wellbeing
- ii. Communities are cohesive and have the facilities they need.

b. Shape Outstanding Environments

- i. We inspire enterprise, excellence, creativity and collaboration
- ii. We have clean air, land and water and a thriving and sustainable natural environment
- iii. Our spaces are secure, resilient and well maintained.

8. And supports the Open Spaces Business Plan as follows:

a. Open Spaces and historic sites are thriving and accessible.

- i. Our open spaces, heritage and cultural assets are protected, conserved and enhanced
- ii. London has clean air and mitigates flood risk and climate change

Implications

9. **Financial:** In addition to considerable officer time required to respond to the Local Plan, the costs of representation through the Local Plan process, particularly at the inspection of the Local Plan, could reflect the £55,000 recently spent engaging on the Epping Forest District Council Plan.

10. **Legal:** The Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (“the 2012 Regulations”) set out the requirements and the statutory procedure for the preparation of a Local Plan.

11. Regulation 18 of the 2012 Regulations requires the local planning authority to notify and invite representations on the content of the draft plan to:

- (i) such specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
- (ii) such of the general consultation bodies as the local planning authority consider appropriate; and
- (iii) such residents or other persons carrying on business in the local planning authority’s area as the local planning authority consider appropriate.

12. The next stage, after this consultation, is for the local planning authority to prepare a submission draft of the local plan. All representations received during this consultation stage must be taken into account when preparing this submission draft. The submission draft will then return to Cabinet for further consideration.

13. **Equalities & diversity:** An initial screening exercise of the equality impact of this decision has been undertaken by the London Borough of Waltham Forest. At this stage, it is considered that there are no negative impacts on the protected equality groups.

14. **Exiting the European Union (EEU):** The main influence of EU law on plan making in the UK relates to the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') and the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna & Flora, which is incorporated into UK law as the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). The future influence of existing EU Directives and the Regulations may be affected by the EU and will also be consequent on the terms reached with the EU as part of Brexit negotiations and the future governments views on 'Retained EU law' contained within the EU (Withdrawal) Act 2018.

Conclusion

15. The London Borough is an important strategic partner for the City Corporation and the Local Plan consultation process provides an important opportunity to both draw together City Corporation and Borough aspirations for the area over the next 15 years while also ensuring the continued protection and conservation of Epping Forest.

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