

Committee(s): Epping Forest Consultative Epping Forest and Commons	Date(s): 23 10 2019 18 11 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 43/19)	Public
Report of: Director of Open Spaces	For Information
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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. Following delegation from the September Epping Forest and Commons Committee a detailed response has been deposited with the Borough encouraging the Local Planning Authority to match its aspiration for 27,000 new dwellings, 46,000 sqm of employment space and place-making ambitions, with the need to properly protect the Epping Forest Special Area of Conservation.

Recommendation(s)

Consultative Committee Members are asked to:

- Note the City Corporation's response to the London Borough of Waltham 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development plan document, the Core Strategy, was adopted in March 2012 and is therefore considered to be increasingly out-of-date.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 ran from Monday 22 July 2019 until midnight on Monday 30 September 2019. In addition to the online plan, 10 public engagement events were scheduled, and an introductory leaflet was delivered from Monday 22 July 2019 to all households and businesses across the borough. The timing of the consultation period prevented a detailed report on the Plan being considered by the Epping Forest and Commons Committee.
5. Officers have made detailed comments on the Local Plan, particularly on Spatial Strategy policies proposals for the South, Central and North Waltham Forest areas which all have implications for Forest Land. In addition, detailed comments have also been made regarding the Plan's Thematic Policies, particularly (8) 'Decent Homes for Everyone'; (16) 'Enhancing and Preserving our Heritage'; (17) 'Protecting and Enhancing the Environment' and (18) 'Ensuring Climate Change Resilience'.
6. Officers have placed particular emphasis on the need for the Borough to fully recognise its role as a 'Competent Authority' in relation to the Epping Forest Special Area of Conservation (SAC), and the consequent Epping Forest SAC Mitigation Strategy, alongside requirements for Appropriate Assessment through a Habitats Regulation Assessment (HRA).
7. By virtue of the provision of considerable public open space through the presence of part of the Epping Forest and the Lee Valley Regional Park landholdings in the Borough, the LPA has more public open space than any other Borough north of the Thames. The compact and relatively urbanised nature of the Borough is likely to create challenges around the provision of significant additional open space through Suitable Alternative Natural Greenspaces (SANGS). The City Corporation has urged the Borough to work with the two Authorities and adjoining London Boroughs to pursue effective SANG opportunities across the wider area.

Corporate & Strategic Implications

8. 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.

9. 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

10. **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.

11. **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.

12. 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.

13. 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 further document. The submission draft will then return to Cabinet for further consideration.

14. **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.

15. **Charity:** Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.
16. **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

17. 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, alongside the investment of development proceeds to protect the SAC.

Appendices

- Appendix 1 – City of London Corporation response to Regulation 18 Local Plan Consultation

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