

Committee(s): Epping Forest & Commons Committee – For Information	Dated: 08032021
Subject: London Borough of Waltham Forest Local Plan (SEF 15/21)	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	11, 12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	Local Risk
Has this Funding Source been agreed with the Chamberlain’s Department?	Y
Report of: Colin Buttery, Director of Open Spaces	For Information
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Summary

This report sets out the current situation with regards to the London Borough of Waltham Forest (LBWF) Local Plan Regulation 19 consultation, which proposes 27,000 new homes for the Borough by the year 2035. LBWF is now in the process of providing more detailed information on air quality, traffic and the mitigation of recreational pressure through discussions with Natural England and your officers to ensure amendments to its Plan-level Habitats Regulations Assessment (HRA).

In parallel with this process of Plan-level consultation and amendment, the Whipps Cross housing-led development of up to 1,500 homes is also being consulted upon and is itself subject to its own project-level HRA. This project is leading to its own proposals for on-site mitigation in the Forest SAC and its own assessment of air pollution impacts.

The Local Plan timetable proposes submission for examination before the end of 2021. The timetable for the Whipps Cross development proposes that outline planning permission is likely to be sought as early as April 2021.

Recommendation(s)

Members are asked to:

- note the detailed response to the Local Plan consultation at Appendix 1 and to note the proposals to continue discussions with the London Borough of Waltham Forest with a view to a future report for decision

Main Report

Background

1. The London Borough of Waltham Forest (the Council) is in the process of updating and developing its Local Plan for submission and examination. Its Local Plan's housing requirement has been set at 27,000 homes by the end of the Plan period, which is year 2035.
2. This increase in residential population has significant implications for the protection and management of Epping Forest because of the potential adverse impacts on the Forest from traffic-derived air pollution, urbanisation effects and increased recreational pressure.
3. The Borough lies entirely within the Epping Forest Special Area of Conservation's (SAC) 6.2km Zone of Influence (Zoi) for recreation, as determined by two recent Epping Forest Visitors Surveys (2017 and 2019), commissioned by the SAC Oversight Group of local authorities. In fact, almost the entire Borough lies within 3km of the Epping Forest SAC boundaries. Furthermore, City Corporation-owned Epping Forest Land makes up 45% of the publicly accessible green space within the Borough.
4. At the same time, within the Borough, a detailed masterplan is being developed for housing-led hospital re-development at the Whipps Cross Hospital site in Leytonstone. This is of such a scale and significance to the Forest environment alone that it is subject to its own assessment in terms of the impacts on the SAC.

Current Position

5. The Local Plan policies are at the stage of pre-submission, under Regulation 19 of the *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended) [the Regulations]. This included a Green & Blue Infrastructure Strategy (G&BI Strategy). The allocation of sites for housing is at an earlier stage, Regulation 18 of the Regulations. The consultation period for these two sections of the Local Plan finished on 14th December 2020. A full response was made by your officers by this deadline, attached to this report as **Appendix 1**.
6. The key concerns and issues outlined in the response (see Appendix 1 - page 2 of 13) were:
 - the quantum of development (27,000 homes) proposed in the Submission Local Plan (LP1)
 - a non-compliant Plan-level Habitats Regulations Assessment (HRA), which does not justify its conclusions in relation to the impacts of the *likely significant effects* on EFSAC of the Local Plan alone;
 - the lack of SANGs Strategy with specific measures to provide certainty of mitigation for Epping Forest Special Area of Conservation (EFSAC);
 - the lack of costed and precise mitigation measures in a Strategic Access Mitigation & Monitoring Strategy (SAMMS) for the EFSAC;

- the need for an air quality assessment;
 - the need for a comprehensive EFSAC mitigation strategy to be agreed by all local authorities under a revised MoU;
 - improved recognition for the City Corporation's current pattern of visitor facilities in the Borough and the Forest's 45% contribution to the Borough's green space provisions.
7. Since that submission, your officers have met with LBWF and Natural England officers on two occasions this calendar year to discuss these issues and, in particular, the progress on improving the HRA to meet compliance with the Habitats Regulations 2019. The Council has accepted the need for further work on the Plan-level HRA, both in terms of recreational pressures, particularly alternative sites, and also in relation to air quality.
 8. Consultants have been engaged by LBWF to cover both these aspects and traffic and air quality modelling are currently taking place. Discussions on alternative recreation sites and SAMMS are also continuing with Natural England advising on the level of provision required and how the balance between on-site SAMMS and alternative (SANGS) sites may be struck for LBWF.
 9. In parallel with these discussions, a separate project-level HRA is being conducted by consultants on behalf of Barts Hospital Trust for the proposed masterplan and housing development at the Whipps Cross hospital site, which lies immediately adjacent to EFSAC at Leyton Flats and Hollow Ponds. In late February this year the consultants revealed their second consultation with a revised masterplan, having taken on board comments from your officers and Natural England.
 10. The revision involves a reduction in housing units from 1,650 to 1,500 and an increase in green space within the site to just under 6 hectares. However, this green space provision is fragment across the site although the revised masterplan has considerably strengthened the links between the areas.
 11. The new masterplan still proposes strong links between the hospital greenspaces and Epping Forest and that non-SAC sections of the Forest should be managed to accommodate increase recreational use, particularly west of the Whipps Cross Road and south of James Lane. The consultants are seeking further discussion on the way in which the development may contribute to the SAMMS on the EFSAC.
 12. Your officers have advised that the quantum of homes seems too great related to the closeness of the site to the SAC, the increased traffic and the limitations on greenspace provision within the master-planned area. However, further work is being carried out by the Whipps Cross consultants on a project-level HRA to examine air quality impacts and to examine SANGS and alternative site (SANGS) provision. Further meetings are planned with your officers ahead of submission of an outline planning application in April.

Proposals

13. Working closely with Natural England, it is proposed that the discussions and negotiations with LBWF on its Plan-level HRA, G&BI Strategy and other refinements to its Local Plan continue over the next few months. A future report for decision will be brought to your Committee ahead of LBWF's submission of its Local Plan for examination to determine the appropriate response.
14. In relation to Whipps Cross, it is likely that a separate report will be brought to your Committee to consider a response to any outline planning application, including the potential impacts on Forest Land and the mitigation proposals within the project-level HRA and how these might fit in with the wider Plan-level HRA requirements for mitigation across the whole Borough and 'in combination' with the other local plans such as those of Epping Forest District and the London Borough of Enfield.

Key Data

15. The London Borough of Waltham Forest Local Plan is at Regulation 19 stage in the pre-submission process and proposes the building of 27,000 more homes in the Borough, all within 3km of the Epping Forest SAC boundaries, by 2035.
16. The Whipps Cross proposed masterplan re-development site is adjacent to the EFSAC at Leyton Flats. It proposes 1,500 homes (5% of the Borough total above) within the existing hospital site. Outline planning permission may be sought as early as April 2021.

Corporate & Strategic Implications

17. The engagement by officers in responding to the LBWF Local Plan and the Whipps Cross re-development proposals aims to ensure aims to be consistent with Outcomes 11 and 12 of the Corporate Plan. Outcome 11 states that: "*We will have clean air, land and water and a thriving and sustainable natural environment*" is met. Outcome 12 states that: *Our spaces are secure, resilient and well-maintained. Build resilience to natural and man-made threats by strengthening, protecting and adapting our infrastructure, directly and by influencing others.*

Financial implications

18. None at present. The financial implications of SAMMS were subject to a separate report to your Committee in November 2020 and remain subject to discussion by the local authorities around EFSAC, including LBWF.

Resource implications

19. Staff resources are required throughout the next financial year to negotiate and advise the Council, the other consultants for Whipps Cross and to liaise with Natural England.

Legal implications

20. None.

Risk implications

21. None.

Equalities implications

22. None.

Climate implications

23. None

Security implications

24. None.

Charity Implications

25. 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.

Epping Forest Consultative Committee

26. The Consultative Committee has not been consulted on this report due to the timing of the Local Plan Regulation 19 Consultation period last year and the subsequent meetings with the local authority officers and Whipps Cross consultants in late February. However, the Consultative Committee was appraised of the Regulation 19 Local Plan consultation and the fact that a detailed response was to be made to LBWF before the deadline of 14th December 2020.

Conclusion

27. The current proposals for housing and other development within the Local Plan, and also the Whipps Cross re-development masterplan, involve likely significant effects on the Forest and on the SAC in particular. As a result, further work is required by the respective Plan-Level and project-level Habitat Regulations Assessments to ascertain the impacts and to provide mitigation of the impacts with certainty. Further discussions and negotiations are required to seek modifications to both the Local Plan and the Whipps Cross project to ensure that any resulting proposals for development are compliant with the Habitat Regulations and protect the Forest in perpetuity. Further reports will be brought to your Committee for decision in the near future in relation to both the Local Plan and the Whipps Cross proposed development.

Appendices

- Response on behalf of The Conservators of 14th December 2020 to the London Borough of Waltham Forest Regulation 19 Local Plan consultation

Background Papers

- None

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