

## **LONDON BOROUGH OF WALTHAM FOREST**

Meeting / Date	<b>Council / 27 April 2023</b>
Report Title	<b>Adoption of Waltham Forest Local Development Scheme (2023-2026)</b>
Directorate	<b>Place and Design</b>
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Wards affected	All
Public Access	Open
Appendices	Appendix A – Waltham Forest Local Development Scheme (2023-2026)

### **1. SUMMARY**

#### **Waltham Forest Local Development Scheme**

- 1.1 In accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), Councils in their capacity as competent Local Planning Authorities (LPAs) are required to prepare and keep up to date a Local Development Scheme (LDS). The LDS sets out the scope and programme for the preparation of the Development Plan Documents (the Planning Policy documents that make up the Local Plan) the Council intends to prepare. These then provide the framework for delivering the spatial planning strategy for the Borough.
- 1.2 A draft LDS document was approved by the Cabinet on 26th March 2023 with recommendation to Full Council to resolve that the LDS takes effect immediately. Accordingly, this report seeks Full Council resolution to bring the LDS into effect. If agreed the document will be published on the Council's website.

### **2. RECOMMENDATIONS**

- 2.1 Council is recommended to:
  - 2.1.1 Approve the Waltham Forest Local Development Scheme (LDS) attached at Appendix A and resolve that it take effect immediately.

### **3. PROPOSALS**

- 3.1 The LDS is a public statement setting out the Council's project plan for preparing Development Plan Documents. It sets out the subject matter and geographical area of the documents the Council intends to prepare.

It has an important role in informing the public, stakeholders and the community about the Plan preparation programme and when to get involved. It also establishes the Council's priorities with regard to Plan making to enable work programmes to be set. The actual development and setting of policy is not covered in the LDS as this is the subject of the Development Plan Documents themselves, principally the Local Plan.

- 3.2 The current framework for delivering the Council's spatial planning strategy was established through the LDS approved by Cabinet in December 2019 and then Full Council in January 2020.
- 3.3 Since the adoption of the current LDS in 2020, there have been changes to both national planning policy and the Mayor's London Plan. These provide the policy context for the Council's Local Plan. The National Planning Policy Framework (NPPF) was revised in 2019 and again in 2021. A new London Plan was adopted in March 2021.
- 3.4 It is proposed that the revised LDS includes updated programme details for both Parts 1 (Spatial Strategy and Planning Policies) and Part 2 (Site Allocations) of the Local Plan, and the suite of SPDs as follows.

#### Waltham Forest Local Plan Part 1 (LP1)

- 3.5 The revised LDS sets out the role and purpose of LP1 as a consolidated high-level plan document, to be supported by Supplementary Planning Documents (SPDs). However, the timetable has been adjusted to take account of higher-level policy drivers and requirements arising from the NPPF and the new London Plan.
- 3.6 LP1 was submitted for independent Examination in Public on 30th April 2021. Hearings were held in March 2022, following which the Planning Inspectors and the Council agreed that specific new and updated evidence was required to progress the Examination. The required evidence was submitted in September 2022, and Stage 2 of the Examination has since progressed with receipt of the Inspectors' "Further Matters, Issues and Questions", which formed the basis of an additional public consultation from 5th December 2022 to 23<sup>rd</sup> January 2023. All responses, including those prepared by the Council, have now been published on the Council's website. A further week of Hearing Sessions for LP1 were held in March 2023. Adoption of the LP1 is expected in Autumn/Winter 2023 (subject to the outcome of the examination and receipt of the Inspectors' Report)

#### Waltham Forest Local Plan Part 2– Site Allocations Document (LP2)

- 3.7 The need for a separate Site Allocations Development Plan Document arose from early consultation on the draft Local Plan, when residents and other stakeholders requested more detail on site specific matters. This emerging document complements LP1 by allocating sites for redevelopment and setting clear expectations for what should be delivered on them. A draft Site Allocations document was consulted on between September 2020 and December 2020. A Regulation 19, pre-

submission version of this document was consulted on between November 2021 and January 2022.

- 3.8 Given the time that has passed, and the additional and update evidence prepared to support LP1, an additional Regulation 19 consultation on LP2 is now proposed. Local Plans must be submitted as published at Regulation 19 consultation for Examination in Public, along with copies of all representations received. The formal preparation process does not allow changes to be made after Regulation 19 consultation and before submission unless a further round of pre-submission consultation is undertaken.
- 3.9 The Council will fully explain the nature of this additional consultation and ensure full copies of representations from both this and the previous Regulation 19 consultation are sent to the Planning Inspectors in full, as part of the LP2 Examination in Public.
- 3.10 The programme for the Site Allocations Documents (LP2), as set out in the revised LDS at Appendix A, is as follows:
- Consultation Report summarising previous Regulation 19 consultation to be published in Spring 2023
  - Additional further round of Regulation 19 “pre-submission” consultation in Autumn 2023, with early engagement with ward Councillors
  - Submission for independent Examination in Public – Winter 2023 (following Autumn Consultation)
  - Adoption – Autumn/Winter 2024 (subject to outcome of the examination and receipt of the Inspector’s Report)

### **Next Steps**

- 3.11 The revised LDS at Appendix A focuses on the three-year period 2023-2026. The projects listed above (LP1 and LP2) are due to be completed before the end of that period. Planning legislation sets a period of 5 years within which Councils must undertake an assessment of whether its development plan documents, and its Statement of Community Involvement remain up to date. The 2004 Act specifies that the LDS should be revised when the local planning authority considers it is appropriate. Accordingly, progress on meeting the milestones set in the LDS will be reviewed annually as part of the preparation of the Authority Monitoring Report (AMR). Officers will publish necessary updates to the programme on the Council’s website.

## **4. OPTIONS & ALTERNATIVES CONSIDERED**

- 4.1 The Council is legally required to produce a Local Development Scheme and to revise it such as and when it considers it appropriate to do so. The Council could choose not to revise the LDS but to do so would be to neglect statutory responsibilities and potentially risk the examination in public of the Local Plan documents. At examination stage, the appointed

Planning Inspector is required to check for legal compliance and whether the submitted plan has been prepared in accordance with the adopted LDS in place at the time of commencement, publication and submission of the DPD. Failure to meet this requirement could delay the adoption of the Local Plan.

## **5. COUNCIL STRATEGIC PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)**

- 5.1 The preparation of the Local Plan is important in implementing the spatial aspects of the Council's priorities and commitments, in particular, addressing the climate emergency, delivering 15 Minute Neighbourhoods and ensuring community safety. An up to date LDS is also important to ensure continuous engagement with and involvement of communities.

## **6. CONSULTATION**

- 6.1 There is no requirement for public consultation on the content of the LDS. Consultation is a key aspect of the Development Plan preparation process which is reflected in the statutory stages.

## **7. IMPLICATIONS**

### **7.1 Finance, Value for Money and Risk**

- 7.1.1 Current budget provisions, including the Local Development Framework budget and ROI reserves secured to implement and resource the Place and Design team, will cover ongoing work on the Local Plan. The costs of Local Plan production include consultancy costs on evidence base projects, materials, resources and venues for public consultation and the cost of the examination (including Inspector costs and the appointment of a Programme Officer).

- 7.1.2 The Local Plan will provide more certainty for future investment decisions. Proposals for development contained in the Local Plan will have positive benefits in terms of business rates income and the Community Infrastructure Levy.

### **7.2 Legal**

- 7.2.1 The Council is required by section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and maintain a Local Development Scheme (LDS). The LDS must be revised when the Council considers it appropriate to do so (section 15(8)).

- 7.2.2 The LDS must specify— (a) the local development documents which are to be development plan documents; (b) the subject matter and geographical area to which each development plan document is to relate; (c) which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities; (d) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee; and (e) the timetable for the preparation and revision of the development plan documents.
- 7.2.3 There are no statutory consultation requirements necessary for the preparation of a Local Development Scheme.
- 7.2.4 A resolution of Full Council is required in order to bring a Local Development Scheme into effect (section 15(7)) and that resolution must specify the date from which the scheme is to have effect.
- 7.2.5 The Secretary of State or the Mayor of London has the power to direct the Council to make such amendments to the LDS as they think appropriate for the purpose of ensuring full and effective coverage (both geographically and with regard to subject matter) of the Council's area by the development plan documents (taken as a whole) for that area.

### **8.3 Equalities and Diversity**

- 8.3.1 No equalities impact has been identified in relation to the adoption of the revised LDS (See Appendix B). Local Plan documents are subject to equalities impact assessments as they are prepared. This seeks to safeguard any likely adverse impacts on identified equality groups and to identify opportunities to better promote equality and community cohesion.

### **8.4 Sustainability (including climate change, health, crime and disorder)**

- 8.4.1 This decision relates to the introduction of a revised LDS which sets out the proposed timetable for the preparation of a new Local Plan. It does not set a new land use policy requiring an assessment of climate change or climate emergency policy impacts at this stage. In accordance with legal requirements governing the plan making process, all local plan documents identified in the LDS must be prepared and tested through the Sustainability Appraisal process. Also mindful of the climate emergency challenge, Local Plan documents will be crucial in addressing and meeting national and international climate commitments. The Local Plan documents as proposed in the LDS will include policies to tackle climate change. Site specific proposals will be expected to deliver climate change policy objectives, promote health and well-being, address issues of crime/safety and promote social cohesion.

## **8.5 Council Infrastructure**

8.5.1 The Place and Design team is leading the Council's Local Plan work. However, it should be recognised that officers from across the Council are involved in the preparation of key policies and proposals. Specialist support is being provided on consultancy basis and will continue to be used as and when necessary, particularly on the technical studies undertaken or to be undertaken.

8.5.2 No accommodation or specific IT issues are raised by this report.

### **BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)**

None