

| MAYOR & CABINET | | |
|----------------------------|-----------------------------------------------------------------------------------------|-----------------------|
| Report Title | Local Development Framework: Revised Local Development Scheme | |
| Key Decision | Yes | Item No. |
| Wards | All | |
| Contributors | Executive Director for Resources and Regeneration (Head of Planning and Head of Law) | |
| Class | Part 1 | Date: 16 January 2013 |

1. Summary

- 1.1 The Local Development Scheme (LDS) is Lewisham's project or work plan for the production of Local Plans - statutory planning documents that set out planning policy used in the assessment and determination of planning applications – such as the Core Strategy, Site Allocations and Lewisham and Catford town centre plans. The Planning and Compulsory Purchase Act 2004 (as amended) "the Act" provides for Local Development Schemes (LDS).
- 1.2 The Development Plan Documents together with the London Plan and at the present time the saved policies in the Lewisham Unitary Development Plan (UDP) 2004, form the Development Plan for the London Borough of Lewisham. The Act requires the Council to revise its LDS each time new planning documents are proposed to be prepared or the timetable for existing production is revised.
- 1.3 This report sets out the details of the revised LDS and details the documents that will have the status of a Local Plan. It is proposed to produce a Site Allocations Local Plan to meet the needs of the Gypsy and Traveller community in the borough.

2. Purpose

- 2.1 To seek approval of the revised Local Development Scheme.

3. Recommendations

The Mayor and Cabinet is recommended to;

- 3.1 Approve the revised content and timetable of the LDS at Appendix 2 and recommend that the Council formally adopt the revised Local Development Scheme.

3.2 Authorise the Executive Director for Resources and Regeneration to make any minor changes to the text and format of the documents prior to consideration by the Council.

4. Policy context

4.1 The LDS contributes to the implementation of the Council's priorities:

- community leadership and empowerment – developing opportunities for the active participation and engagement of people in the life of the community
- young people's achievement and involvement – raising educational attainment and improving facilities for young people through partnership working
- clean, green and liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment
- safety, security and a visible presence – partnership working with the police and others and using the Council's powers to combat anti-social behaviour
- strengthening the local economy – gaining resources to regenerate key localities, strengthen employment skills and promote public transport
- decent homes for all – investment in social and affordable housing to achieve the Decent Homes Standard, tackle homelessness and supply key worker housing
- active, healthy citizens – leisure, sporting, learning and creative activities for everyone
- inspiring efficiency, effectiveness and equity – ensuring efficiency, effectiveness and equity in the delivery of excellent services to meet the needs of the community.

4.2 The Planning and Compulsory Purchase Act 2004 (as amended) requires the preparation of new planning policy documents known as Local Development Documents (LDDs). By virtue of regulation 6 of the Town and Country Planning (Local Planning) (England) Regulations (2012) the majority of LDDs are Local Plans. The Proposals Map is referred to as the Policies Map.

4.3 Importantly, the documents within the LDS are the spatial representation of the Sustainable Community Strategy (Shaping Our Future), which was prepared by the Local Strategic Partnership and adopted by the Council in May 2008. Section 2.3 of the LDS shows the links between the Local Plan and the SCS.

4.4 The documents detailed in the LDS implement the full range of other Council policies and strategies. These include, but are not limited to the following:

- People Prosperity Place; Lewisham's Regeneration Strategy 2008 - 2020
- Children and Young People's Plan
- Air Quality Management Plan
- Carbon Reduction and Climate Change Strategy
- Local Implementation Plan (Transport)
- Municipal Waste Management Strategy (Draft)
- Leisure and Open Spaces Study
- Physical Activity, Sport and Leisure Activity
- Comprehensive Equality Scheme 2012-16 and
- Local Education Authority School Plan

4.5 The LDS contributes to the achievement of the following strategic aims of the Resources and Regeneration directorate:

- Enabling and supporting the regeneration of Lewisham and helping to strengthen the local economy
- Supporting the creation of a safe, attractive, healthy and sustainable environment for the benefit of local people and
- Connecting people to economic, leisure and learning opportunities

4.6 The LDS is part of the Council's policy framework as set out in the Council's constitution and requires the adoption of full Council once it has been approved for adoption.

5. Background

5.1 The Planning and Compulsory Purchase Act 2004 (the Act) requires planning authorities in England to produce Local Development Documents (LDD) to make and constitute the Council's Local Development Framework. This terminology has been changed by recent regulation and the documents (LDD) will now be known as Local Plans and Supplementary Planning Documents.

5.2 A portfolio of planning documents (Local Development Framework) is being prepared by the Council, which collectively will deliver the planning strategy for Lewisham. This includes:

- Local Plans setting out spatial land uses, development policies and site allocations for the borough and specific areas (such as Lewisham Town Centre)
- Including Supplementary Planning Documents (SPDs) for specific issues or areas and
- Including Procedural documents such as the Annual Monitoring Report (AMR) which reports on the Council's performance on a range of indicators, and the Statement of Community Involvement (SCI) outlining how the Council will consult on planning policy issues and development control matters.

- 5.3 The Lewisham LDS is a procedural document in the local planning system. It is a project plan that outlines what planning documents the Council is preparing and the timeline for their preparation and adoption. The current version of the LDS was adopted by the Full Council at its meeting on 23rd September 2010.
- 5.4 The Act as amended requires that the LDS is kept up to date. Each new Local Plan document the Council intends to produce must be included in a revised LDS. In addition any revision to the adopted timetable must be reflected in the revised LDS.
- 5.5 This revised LDS (Version 6) has been prepared to reflect changing government regulations and guidance, and changed local circumstances that require the inclusion of a new LDD and an update of the timetable of Local Plan production.

6. LDS content

- 6.1 The revised LDS responds to new planning regulations that govern plan preparation – the Town and Country Planning (Local Planning) (England) Regulations 2012, which amend the stages of preparing Local Plans.
- 6.2 The Council is producing six Local Plans to replace the UDP. These are:
- (i) the Core Strategy (adopted June 2011)
 - (ii) the Site Allocations Local Plan
 - (iii) the Development Management Local Plan
 - (iv) two Town Centre Local Plans - Lewisham and Catford
 - (v) Gypsy and Traveller's Site(s)Local Plan.
- 6.3 The LDS sets out the timetable for producing each document with a series of key milestones and dates. It shows when preparation will commence, when public consultation will take place, and the expected adoption date for each document.
- 6.4 The revised LDS is attached as Annex 1 to this report. Set out below is a brief summary of the main changes to the adopted LDS timetable. These details are shown graphically on the flow chart of the revised LDS at the end of this report.

7. Key changes to the LDS

- 7.1 The key changes to the LDF programme is summarised below.

Gypsy and Traveller's Site(s) Local Plan (GTSLP)

- 7.2 The Gypsy and Traveller's Site(s) Local Plan (GTSLP) will allocate a site or sites to meet the identified local accommodation needs of Gypsy and Traveller communities in the borough.
- 7.3 The Council had planned to allocate a site at Church Grove for travellers in the Site Allocations Local Plan. However, following extensive public consultation and further technical studies this site was no longer considered suitable and the Mayor decided in February 2012 not to go ahead with the site allocation. He instructed officers to start again the process of identifying a suitable site for travellers in the borough.
- 7.4 The Planning Service have submitted the borough wide Site Allocations Local Plan (SALP) to the Planning Inspectorate for an independent examination without the traveller's site. This was because it contains over 50 other site allocations and it was considered an unreasonable delay would result in awaiting the new work to identify a traveller's site.
- 7.5 The Planning Inspector allocated to hold the Examination in Public (EIP) for the SALP has raised a number of questions concerning the lack of an allocation for travellers. This included a request for an update on the actions taken by the Council since the Mayors decision not to go ahead with the Church Grove site; the Council's position regarding a suspension of the SALP EIP while a suitable travellers site was found and the Council's position on a public commitment to find and allocate a new travellers site through a revision of the LDS and inclusion of a GTSLP.
- 7.6 Officers have responded to the Inspector that the preferred approach would be to revise the LDS and commit to a timetable for producing a GTSLP as suspension of the EIP could result in a delay of up to 2 years. The other sites included in the SALP are needed to deliver housing and jobs in the borough and the certainty of an adopted plan is considered highly desirable in implementing the various site allocations. The officer's response to the Inspectors questions is set out as Appendix 1 to this report.
- 7.7 As the Inspector has specifically mentioned a revised LDS and a timetable for the new GTSLP this has been included in the revised LDS set out as Appendix 2 to this report. This shows immediate commencement of the GTSLP, consultation on options for a site or sites in December 2013 and submission of the final plan to the Planning Inspectorate in May 2014.

Site Allocations Local Plan and Lewisham Town Centre Local Plan

- 7.8 The Site Allocations Local Plan identifies the locations and sites for specific types of development in order to ensure the vision, objectives and spatial strategy of the Core Strategy are implemented (except those sites allocated in the Core Strategy and Lewisham and Catford Town Centre Local Plans). The

broad parameters for development of each site will be listed covering land use and development criteria.

- 7.9 The Lewisham Town Centre Local Plan (LTCLP) provides a vision and a number of objectives for the town centre, supported by a suite of policies, guidance and a delivery plan. The LTCLP demonstrates what is required to redevelop the area into a vibrant and successful centre, including improvements to shopping, living, working, and spending leisure time in the town centre.
- 7.10 Both plans were reported to Mayor and Cabinet on 15 February 2012 and Full Council on 29 February 2012 with a recommendation to submit them to the Secretary of State for an Examination in Public. Both plans were submitted on 28 September 2012. It is expected that the examinations will take place in January 2013 and that they will be adopted by the Council in September 2013.

Development Management Local Plan

- 7.11 The Development Management Local Plan will provide more detailed policies than the Core Strategy and will be used to consider planning applications for development or change of use. The policies will generally be criteria based and will focus on issues such as protecting residential amenity; the subdivision of single family houses into flats; protecting Public Houses from redevelopment, protection of the landscape; nature conservation; the preservation and enhancement of heritage assets; addressing highway and transport issues; protecting the viability and vitality of town centres; and addressing visual impact issues.
- 7.12 A Preferred Options stage of public consultation was undertaken in 2007 and since that time the Local Plan was placed on hold as the Core Strategy was prioritised. The next key milestone will be the Further Options stage of public consultation which will take place in December 2012 and January 2013. Consultation on a draft submission document will take place in July 2013 with submission of the document for Public Examination to the Secretary of State in November 2013. The Public Examination is expected to take place in March 2014 with formal adoption of the Plan by the Council in October 2014.

Catford Town Centre Local Plan (CTCLP)

- 7.13 The Catford Town Centre Local Plan (CTCLP) will set out policies and proposals for the on-going redevelopment and regeneration of Catford Town Centre.

In establishing the planning framework for the Catford Town Centre, the CTCLP will provide for significant change and conservation and where appropriate will include detailed development policies. The CTCLP is intended

to stimulate development interest and encourage regeneration projects whilst protecting those areas sensitive to change. It will have a strong implementation focus providing the framework for regeneration initiatives.

- 7.14 A further options stage of public consultation is scheduled to take place in January/February 2013. The final CTCLP is programmed to be submitted to the Secretary of State in May 2014.

Supplementary Planning Documents (SPDs)

- 7.15 SPDs provide further detail to policy matters detailed in Local Plans such as the Core Strategy or Development Management. There is no longer a requirement to include SPDs within the LDS. However, it is still considered good practice for the Council to indicate its full work programme. Details are contained in Appendix 3 of the LDS (Annex 1 of this item).

8. Financial Implications

- 8.1 The cost of public consultation and related printing and publishing of any Local Plan document will be met from the existing Planning Service budget and this would not create additional cost.

9. Legal implications

- 9.1 Some of the legal implications are set out in the body of the report, in addition: The function of producing Local Plans is shared by Mayor and Cabinet and Full Council. However, the formal adoption of the Local Development Scheme is a decision reserved to Council.
- 9.2 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission (EHRC) issued guidance in January 2011 providing an overview of the new public sector equality duty, including the general equality duty, the specific duties and who they apply to. The guidance covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The guidance was based on the then draft specific duties so is no longer fully up-to-date, although regard may still be had to it until the revised guide is produced by the EHRC. The guidance can be found at <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads/>.

The EHRC guidance does not have legal standing, unlike the statutory Code of Practice on the public sector equality duty which was due to be produced by the EHRC under the Act. However, the Government has now stated that no further statutory codes under the Act will be approved. The EHRC has indicated that it will issue the draft code on the PSED as a non statutory code following further review and consultation but, like the guidance, the non statutory code will not have legal standing.

10. Crime and Disorder Implications

- 10.1 Local Plans allows for a spatial planning approach rather than a more narrow land-use approach to policy which was typical of the UDP. The focus will remain on implementing the land-use and design aspects of crime and disorder issues. Each Local Plan document or SPD detailed in the LDS will address crime and disorder issues and contain policies to control identified issues.

11. Equalities Implications

- 11.1 The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 11.2 Equalities considerations will be built into the production of each Local Plan. The Core Strategy was subject to the Lewisham Equality Impact Assessment (EIA) process at the 'options consultation' stage in 2009 and hence complied with our requirements as a public authority under the legislation superseded by the Equality Act 2012. This process is now known as an Equalities Analysis Assessment (EAA). The EAA can ensure, as far as is possible, any negative consequences for a particular group or sector within the community are eliminated, minimised or counter balanced by other measures. The EIA for the

Core Strategy was reported to the Council's Corporate Equalities Board in August 2009.

- 11.3 An EAA was prepared for the Lewisham Town Centre Area Action Plan in June 2011 and was published for public consultation and was reported to the Council's Corporate Equalities Board in September 2011.
- 11.4 As the Site Allocations Local Plan was considered to implement policies in the Core Strategy, rather than preparing a separate new assessment an update on the Core Strategy EAA was prepared and published for public consultation in October 2011. It was provided for comment to the Corporate Equalities Board in November 2012.
- 11.5 The Gypsy and Traveller's Site(s) Local Plan (GTSLP) will be supported by an EAA
- 11.6 The Development Management Local Plan provides further detail on the implementation of policies in the Core Strategy which have been adopted by the Council. An up date to the Core Strategy EAA will be prepared shortly after the forthcoming public consultation exercise on the Further Options Report.

12. Environmental Implications

- 12.1 There are no direct environmental implications arising from the LDS. However, the production of the Local Plan documents specified in the LDS will have environmental implications. The planning regulations require a sustainability appraisal for all Local Plan documents and these regulations incorporate the requirements of the Strategic Environmental Appraisal Directive.

Background documents and originator

| Short Title Document | Web Link | Date | File Location | File Reference | Contact Officer | Exempt |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------|-----------------|-----------------|--------|
| UDP | http://www.lewisham.gov.uk/myservices/planning/policy/Pages/Unitary-Development-Plan.aspx | July 2004 | Laurence House | Planning Policy | Brian Regan | No |
| National Planning Policy Framework | http://www.communities.gov.uk/publications/planningandbuilding/nppf | June 2008 | Laurence House | Planning Policy | Brian Regan | No |
| Local Plan | http://www.legislation | 2012e | Laurence | Planning | Brian | No |

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|---------------------|-----------------------------------------|--|-------|--------|-------|--|
| Regulations 2012 | .gov.uk/uksi/2012/76 7/contents/made | | House | Policy | Regan | |
|---------------------|-----------------------------------------|--|-------|--------|-------|--|

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 5th floor Laurence House, 1 Catford Road, Catford SE6 4RU, telephone 020 8314 8774.

Appendix 1



Public Examination of the Site Allocations Local Plan

London Borough of Lewisham response on the Inspector's Question 6: National Policy in relation to gypsies and travellers

(Note the full text of the Inspector's questions are on the examination webpage and can be accessed via the following link:

<http://www.lewisham.gov.uk/myservices/planning/policy/Documents/SA%20Inspector%27s%20queries.pdf>

Planning Policy – 16th November 2012

Council Response

1. Introduction

1.1 This paper responds to the Inspector's initial question number 6 relating to national policy concerning provision for Gypsies and Travellers. It provides an update on the actions taken by the Council since the self assessment of compatibility with national planning policy for travellers sites and background paper (Examination Library reference SALP1.15) was sent to the planning Inspectorate in May 2012. It then considers the advantages and disadvantages of first suspending the SALP Examination and secondly for preparing a specific Travellers' Site(s) Local Plan. It concludes that the Council's proposed way forward is through a revision of the Local Development Scheme, the preparation of a specific Travellers' Site(s) Local Plan and continuation of the current SALP Examination.

2. Site search update

2.1 In February 2012 Lewisham's Mayor directed officers to undertake a new site search for Gypsy and Travellers. Following Council's procurement process, consultants were invited to tender for a contract to undertake a comprehensive site search to identify a suitable site or sites to accommodate Travellers in the borough. At the beginning of September 2012 the Council appointed consultants, Lambert Smith Hampton (LSH), to carry out this work. The consultants were provided with a list of council owned property and have undertaken an extensive site search to identify any suitable privately owned sites. The search for suitable privately owned sites was carried out over the month of October, using LSH's databases and searches of property portals. The search looked for privately owned sites located within and immediately around the borough. The next steps of the study will be to analyse the list of sites, both private and Council owned, against a detailed set of criteria based on Government guidance and Core Strategy Policy 2 in order to identify a short list of potential sites. The criteria will be weighted in terms of the factors considered most important to the site selection criteria.

2.2 The consultant's report, including a short list of potential sites will be complete by 31 December 2012. This short list of potential sites will then be reported to the Mayor of Lewisham to seek approval for public consultation. The earliest this report could be considered by the Mayor is March 2013.

3. Suspension of the SALP

- 3.1 In order to incorporate an identified site or sites for Gypsy and Traveller accommodation into the SALP, the Council estimate that the SALP examination would need to be suspended for at least two years, until mid-2015 (see Appendix 1: Suspended Site Allocations Timetable). This would allow time to engage with the settled and travelling community and adjoining boroughs; consultation on the 'options' or short list of sites accompanying sustainability appraisal and other documentation; and a second round of consultation on the publication plan, with the selected site(s). After this the selected site(s) would be brought into line with the submission SALP, ready for Examination. Following the Examination and the Inspector's report, adoption could take place at the beginning of 2016.
- 3.2 The Council consider a suspension of the SALP for two years to be too long as the allocations are identified and needed in order to direct development and safeguard sites across the borough, in line with the Core Strategy. The sites selected are available, deliverable, developable and enable the Core Strategy objectives, particularly housing provision, to be delivered. The National Planning Policy Framework states that it is 'highly desirable' that local planning authorities have up-to-date plans in place however it is likely that after a two-year suspension the site circumstances would change. The scale of changes could necessitate a full review of the submitted SALP, along with consultation on new sites and a new sustainability appraisal. The Council consider this would require the preparation of a new SALP, rather than a suspension of the submitted SALP. The preparation of a new SALP, incorporating new sites, will require background research, result in likely additional representations and will therefore take longer than the two-year suspension period.

4. Specific Travellers' Site(s) Local Plan and revised LDS

- 4.1 The preparation of a specific Travellers' Site(s) Local Plan, and revision of the Local Development Scheme could be ready for examination at the end of 2015 and ready for adoption in mid-2016. This is six months later than the expected examination and adoption of a suspended SALP and is as a result of allowing time for a revision of the LDS, regulation 18 notification and preparation of a sustainability scoping report (see Appendix 2: Specific Travellers' Site(s) Local Plan Timetable).
- 4.2 Preparation of a specific Travellers' Site(s) Local Plan would enable the submitted SALP to progress to Examination in January 2013, followed by possible adoption in Spring 2013, while also allowing time for engagement with the settled and travelling communities and formal consultation on appropriate sites for Gypsy and Traveller accommodation. This approach would allow the timely allocation of development sites and safeguarded sites across the borough and would not necessitate a full review of the submitted SALP.

5. Council's proposed way forward

- 5.1 The Council propose to take the site search forward in a specific Travellers' Site(s) Local Plan, resulting in the following steps.
- a. **Continuation of the SALP Examination** in January 2013, which would enable the allocation of sites that are currently ready for development or safeguarding and assist in the delivery of the Core Strategy.
 - b. **Revision of the Local Development Scheme** reflecting the proposed timetable (approved by the Mayor in January 2013 and by the Council in March 2013).
 - c. **Preparation of a specific Travellers' Site(s) Local Plan**, involving engagement with adjoining boroughs and with the settled and travelling communities, and formal consultation through to submission in mid-2015. Examination leading to potential adoption in mid-2016.

