

<b>COUNCIL</b>		
<b>Report Title</b>	Lewisham Town Centre Local Plan - Adoption	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Resources and Regeneration	
<b>Class</b>	Part 1	Date:26 February 2014

## **1. Purpose**

- 1.1 This report seeks the Council's formal resolution to adopt the Lewisham Town Centre Local Plan (LTCLP) (previously called Lewisham Town Centre Area Action Plan).

## **2. Summary**

- 2.1 The Lewisham Town Centre Local Plan is one of the documents that, when adopted, will make up the Council's Local Development Framework (LDF). The LDF refers to the group of documents setting out the Council's planning strategy and policies.
- 2.2 The LTCLP provides a vision and a set of objectives for Lewisham Town Centre, and provides a set of policies to implement this vision and achieve these objectives.
- 2.3 The LTCLP was submitted to the Secretary of State for Communities and Local Government in September 2012, and an Independent Planning Inspector was appointed to examine the plan.
- 2.4 On 13 January 2014 the Council received the Inspector's report, which has found the LTCLP to be legally compliant and sound subject to 19 modifications agreed by the Council and the Inspector during the examination. These modifications are referred to as 'main modifications' (MMs), and are set out in Annex 3. The changes are all supported by the Council, they have therefore been incorporated in the recommended adoption version intended for formal adoption by full Council.
- 2.5 The Lewisham Town Centre Local Plan Recommended Adoption Version is set out as Annex 1 to this report. The Planning Inspector's report is set out as Annex 2 to this report.
- 2.6 The Mayor agreed during the Mayor and Cabinet meeting on the 12<sup>th</sup> of February 2014 that the Council be recommended to formally adopt the

Lewisham Town Centre Local Plan. The full report presented to Mayor and Cabinet dated 12<sup>th</sup> February 2014 is set out as Annex 5 to this report.

- 2.7 According to the legal planning regulations a resolution to adopt the Lewisham Town Centre Local Plan is necessary from the full Council.

### **3. Recommendation**

- 3.1 This report seeks the Council's formal resolution to adopt the Lewisham Town Centre Local Plan.

### **4. Policy context**

- 4.1 The Lewisham Town Centre Local Plan is part of the Local Development Framework and as such is part of the Council's policy framework as set out in the Council's constitution. It requires a resolution from the full Council to adopt.
- 4.2 The full policy context is set out in the report to Mayor and Cabinet dated 12<sup>th</sup> February 2014 which is set out as Annex 5 to this report.

### **5. Background**

- 5.1 The Report to Mayor and Cabinet dated 12<sup>th</sup> February 2014 (Annex 5 to this report) sets out the background and a summary of the Lewisham Town Centre Local Plan and Inspector's Report.
- 5.2 Once adopted by the Council the Lewisham Town Centre Local Plan will become part of the development plan for the Borough. In accordance with planning law in considering and determining applications for planning permission the local planning authority must have regard to the provisions of the development plan so far as material to the application and to any other material considerations.

### **6. Legal implications**

- 6.1 The procedures which the Council is required to follow when producing a Local Plan (Development Plan Documents derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
- 6.2 The function of approving Local Plans is shared by the Mayor and Cabinet and Full Council, however the formal adoption of the Local Plan is a matter reserved to Full Council only as required by section 23 (5) of the Planning and Compulsory Purchase Act 2004.
- 6.3 If Full Council resolves to adopt the LTCLP, the document will form part of the Development Plan for development management purposes under the Planning Acts.

- 6.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It 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.
- 6.5 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.
- 6.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, 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.
- 6.7 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty

## 5. Equality information and the equality duty

6.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/> .

## 7. Conclusion

7.1 The Council is asked to resolve to adopt the Lewisham Town Centre Local Plan attached as Annex 1 to this report.

### Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
<a href="#">Planning &amp; Compulsory Purchases Act 2004 (as amended)</a>	2004	Laurence House	Planning Policy	Brian Regan	No
<a href="#">National Planning Policy Framework</a>	2012	Laurence House	Planning Policy	Brian Regan	No
<a href="#">Local Plan Regulations</a>	2012	Laurence House	Planning Policy	Brian Regan	No
<a href="#">Localism Act 2011</a>	2011	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy, 3<sup>rd</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

### Annex 1: Lewisham Town Centre Local Plan Recommended Adoption Version January 2014

Available on the Council Website at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=138&MId=2837>

**Annex 2: Planning Inspector's report into the soundness of the Lewisham Town Centre Local Plan**

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2850>

**Annex 3: Appendix 1 of the Inspector's Report: Schedule of main modifications to the submitted Lewisham Town Centre Local Plan**

Available on the Council Website at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2850>

**Annex 4: Schedule of additional modifications to the submitted Lewisham Town Centre Local Plan**

Available on the Council Website at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2850>

**Annex 5: Report to Mayor and Cabinet on Lewisham Town Centre Local Plan  
12th February 2014**

Available on the Council Website at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2850>