

MAYOR & CABINET		
Report Title	Lewisham River Corridors Improvement Plan Supplementary Planning Document – Approval for Consultation	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Executive Director for Resources and Regeneration	
Class	Part 1	Date: 14 January 2015

1. Purpose

- 1.1 This report seeks approval to undertake public consultation on the Lewisham River Corridors Improvement Plan Supplementary Planning Document (RCIP SPD) in accordance with the statutory requirements and the Council's adopted Statement of Community Involvement.

2. Summary

- 2.1 The Lewisham River Corridors Improvement Plan Supplementary Planning Document (RCIP SPD) is one of the documents that, when adopted, will make up the Council's Local Development Framework (LDF) and will provide guidance on development near rivers and river corridors. The LDF refers to the group of documents setting out the Council's planning strategy, policies and guidance.
- 2.2 The RCIP SPD will set out additional planning guidance to inform decisions on planning applications where development near a river or river corridor is proposed and provides a greater level of detail than the policies set out in the Core Strategy, the London Plan or other LDF documents.
- 2.3 The RCIP SPD is set out as Annex 1 to this report.

3. Recommendations

The Mayor is recommended to:

- 3.1 agree the draft River Corridors Improvement Plan SPD for public consultation in accordance with the Statement of Community Involvement, and recommend that the Council do the same.
- 3.2 delegate authority to the Executive Director for Resources and Regeneration to make any minor changes to the text and format of the document prior to the document going to public consultation.

4. Policy Context

- 4.1 The role of the SPD is to explain and elaborate on the policies in the Lewisham Core Strategy (part of the LDF) in relation to development near rivers.
- 4.2 In addition to implementing planning policy, the SPD will assist and aid the implementation of other documents in the Council's policy framework.
- 4.3 In particular the SPD, will contribute to the implementation of 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.
- 4.4 The RCIP SPD will also play a central role in the implementation of the Sustainable Community Strategy vision 'Together we will make Lewisham the best place to live, work and learn' and all of the six strategic priorities, which are:
- Ambitious and achieving – where people are inspired and supported to fulfil their potential
 - Safer – where people feel safe and live free from crime, antisocial behaviour and abuse
 - Empowered and responsible – where people are actively involved in their local area and contribute to supportive communities
 - Clean, green and liveable – where people live in high quality housing and can care for their environment

- Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being
- Dynamic and prosperous – where people are part of vibrant communities and town centres, well connected to London and beyond

5. Background

- 5.1 The Core Strategy is the principal planning policy document in the Lewisham Local Development Framework (LDF) and it sets out the vision, strategic objectives, strategy and policies to guide public and private sector investment to manage development and regeneration in the borough through to 2026.
- 5.2 The RCIP SPD, when adopted, will form part of the LDF and will facilitate the implementation of the vision, objectives and policies of the Core Strategy. As an SPD, the document will be used to explain and elaborate on the implementation of policy in the rest of Lewisham’s LDF and the content must be consistent with the policies in the Development Plan, including those in the Core Strategy and London Plan.
- 5.3 The starting point for the RCIP SPD is the existing Ravensbourne River Corridor Improvement Plan (September 2010) which focuses on a specific area of the Ravensbourne River. The draft RCIP SPD has been prepared as part of the Council’s European River Corridor Improvement Plan project and builds on the content of the existing document by updating and expanding on the content to cover all rivers in the borough.

6. Lewisham River Corridor Improvement Plan SPD summary

- 6.1 The RCIP SPD (see annex 1) will provide detailed guidance to positively influence development near rivers, and to ensure that the development positively responds to the rivers and their setting. The RCIP SPD will provide coordinated guidance for development and seeks to ensure that development is high quality and enhances the river setting.
- 6.2 The first section of the RCIP SPD provides an introduction to the document, including the aims and objectives. The second section sets out the vision, which, as an overarching statement is:
“A coordinated approach to bring the River Thames, Deptford Creek, the River Ravensbourne, the River Quaggy, Pool River and Kyd Brook back to the heart of Lewisham, as distinctive and attractive focal points that bring together local communities and wildlife, promoting healthy living whilst reducing flood risk and the impacts of climate change.”
- 6.3 The third section looks at the policy and strategic context.
- 6.4 Section four breaks Lewisham’s rivers down into three different ‘character areas’ each of which are described in terms of the corridor itself, key

landscape and townscape characteristics, the river ecology, flood risk, heritage and conservation areas. The three character areas are:

- River Thames and Deptford Creek
- River Ravensbourne and River Pool
- River Quaggy and Kyd Brook

6.5 Section 5 looks at access arrangements, both in terms of existing access to the rivers, as well as potential enhancements.

6.6 Section 6 contains the design and development guidelines which should be referred to for any development or redevelopment. Developers, landowners, applicants and the Council should have regard to these guidelines when considering development near a river.

6.7 Section 7 looks at the different delivery mechanisms, and section 8 sets out an action plan for river related works.

7. Sustainability Appraisal and Strategic Environmental Assessment

7.1 In order to assess the need to undertake a Sustainability Appraisal and Strategic Environmental Assessment (SEA) of an SPD, it is necessary to produce a SEA Screening Opinion. Pro Vision Projects were appointed as independent consultants to produce the screening opinion which was sent to regulatory bodies for comment in January 2014. Comments from the regulatory bodies will be incorporated into a final Sustainability Appraisal, incorporating an SEA which will be ready for full public consultation alongside the River Corridors Improvement Plan SPD.

8. Consultation process for the draft SPD

8.1 The consultation process for Local Development Framework documents such as this SPD is set out in the Statement of Community Involvement. It is a legal requirement to undertake the consultation stated in the SCI. It runs for six weeks and will involve:

- Advertising the draft SPD in a local newspaper
- Notifying by letter all those who have been involved in the Council's Local Plan consultation process
- Make paper or CD copies available to all who want them
- Publishing the SPD and any associated documents on the Council website, and making them available in the Planning Information Office and at the local library

- 8.2 After the 6 week consultation period, all representations received will be taken into consideration and a final SPD will be reported for adoption to Mayor and Cabinet and Full Council.
- 8.3 A full consultation plan will be developed to support the process. It is also intended to consult on the Local Flood Risk Management Strategy in early 2015 and an integrated approach will support both consultation processes due to the inter-dependencies between both documents.

9. Legal implications

- 9.1 The procedures which the Council are required to follow when producing a Supplementary Planning Document derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 9.1 The function of approving Planning Documents is shared by the Mayor and Cabinet and Full Council, however the formal adoption of the document is a matter reserved to Full Council only.
- 9.2 If full Council resolves to adopt the SPD, the document will form part of the Local Development Framework
- 9.3 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.
- 9.4 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.
- 9.5 The 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.
- 9.6 The Equality and Human Rights Commission has recently 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/>

9.7 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

9.8 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/>

10. Financial Implications

10.1 There are no specific financial implications arising from this report other than the costs associated with printing, publishing and consulting the RCIP SPD which will be met from the existing Planning budget.

11. Crime and disorder implications

11.1 The RCIP SPD does not provide details of how individual developments are to come forward however planning applications for development on individual sites are required and will need to demonstrate how proposals meet the crime and safety objectives and policies of the London Plan and Lewisham's adopted Core Strategy. This will help ensure that new development does not give rise to crime, fear of crime or public disorder and to ensure that the borough is a safe, attractive and inclusive place.

12. Equalities implications

12.1 The Equality Act 2010 became law in October 2010. The Act aims to streamline all previous anti-discrimination laws within a Single Act. The new

public sector Equality Duty, which is part of the Equality Act 2010, came into effect on the 5 April 2011.

12.2 Shaping our future, Lewisham's Sustainable Community Strategy for 2008-2020, sets out a vision for Lewisham;-

12.3 "Together we will make Lewisham the best place in London to live work and learn."

This is underpinned by hard-edged principles for:

reducing inequality – narrowing the gap in outcomes for citizens

delivering together efficiently, effectively and equitably - ensuring that all citizens have appropriate access to and choice of high quality local services

12.3 Lewisham's Comprehensive Equalities Scheme (CES) 2012-16 describes the Council's commitment to equality for citizens, service users and employees. The CES is underpinned by a set of high level strategic objectives which incorporate the requirements of the Equality Act 2010 and the Public Sector Equality Duty.

The Council equality objectives through the CES include:

To improve access to services

Take reasonable steps to ensure that services are inclusive; responsive to risk; physically accessible and provided through the most efficient and effective channels available.

To increase understanding and mutual respect between communities

Take reasonable steps to build stronger communities and promote good relations - both within and between communities.

To increase participation and engagement

Take reasonable steps to remove barriers that may exist to engagement and help residents (especially those who are under-represented) to participate in local decision making and influence local decisions.

12.4 New development within the borough will be subject to the provisions set out in the SPD and it will improve the general accessibility of the public realm and river side environments.

12.5 It is not necessary to undertake an Equalities Analysis Assessment (EAA) of the SPD. The Core Strategy has been subject to EAA and the SPD is guidance that will assist in the implementation of the already assessed Core Strategy.

13. Environmental implications

13.1 Environmental issues are at the heart of the planning process and the key objectives of the RCIP SPD set out the importance of identifying key

environmental features in order to protect and enhance the amenity of the local area, as well as securing development that helps create a more sustainable Lewisham. The SEA Screening Opinion has assessed the RCIP SPD against the sustainability objectives and a full Sustainability Appraisal and SEA will be prepared for full public consultation alongside the RCIP SPD.

14. Conclusion

- 14.1 The RCIP SPD will set out additional planning guidance, supporting existing planning policies, in order to guide decisions on planning applications where the development is near one of the rivers in the borough.
- 14.2 Subject to approval, public consultation on the SPD will be undertaken in line with the Council's Statement of Community Involvement. All responses will be reviewed and the SPD will be amended, as appropriate. The final SPD will then be reported back to Mayor and Cabinet and Full Council for approval for adoption.

Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchases Act 2004 (as amended)	2004	Laurence House	Planning Policy	Brian Regan	No
National Planning Policy Framework	2012	Laurence House	Planning Policy	Brian Regan	No
Local Plan Regulations	2012	Laurence House	Planning Policy	Brian Regan	No
Localism Act 2011	2011	Laurence House	Planning Policy	Brian Regan	No

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

Annex 1: Lewisham River Corridor Improvement Plan Supplementary Planning Document – this can be viewed at:

<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=3498>