

COUNCIL		
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:25 February 2015

1. Purpose

- 1.1 This report seeks the Council's 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.
- 2.4 The Mayor agreed at the Mayor and Cabinet meeting on 14 January 2015 that the draft RCIP SPD be publicly consulted on, and recommended that the Council do the same. The full report presented to Mayor and Cabinet is set out as Annex 2 to this report and gives further detail regarding the policy context, background and content of the RCIP SPD.

3. Recommendation

- 3.1 The Council is recommended to approve the draft River Corridors Improvement Plan SPD for public consultation in accordance with the Statement of Community Involvement.

4. Policy context

- 4.1 The SPD will form part of the Council's Local Development Framework (LDF).
- 4.2 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. The LDF forms part of the Council's policy framework.
- 4.3 The full policy context is set out in the report to Mayor and Cabinet dated 14 January 2015 which is set out as Annex 2 to this report.

5. Background

- 5.1 The Report to Mayor and Cabinet dated 14 January 2015 sets out the background and a summary of the Lewisham River Corridors Improvement Plan SPD.
- 5.2 Minor changes to the formatting, and factual and typographical corrections to the SPD have been made since the Mayor and Cabinet meeting on 14 January 2015. These changes do not impact the policy direction or intended meaning.
- 5.1 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.

6. Consultation changes resulting from Overview and Scrutiny

- 6.1 Overview and Scrutiny, at its meeting of 17 January 2015, expressed concern that the consultation approach should reach a wider audience than that described in the 14 January 2015 report to Mayor and Cabinet.
- 6.2 The Council's Statement of Community Involvement states that when consulting on draft SPDs, the Council will:
- Advertising the draft SPD in a local newspaper
 - Notifying by letter (or email) all those who have been involved in the Council's Local Plan consultation process (this consists of over 1,200 statutory bodies, organisations and individuals)
 - 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
- 6.3 The consultation period will run for 6-weeks and in addition to the above required measures, a full consultation and communications plan will be

developed to support the process. It is intended to also consult on Lewisham's Local Flood Risk Management Strategy – a statutory document – in early 2015 and an integrated approach will support both consultation processes due to the inter-dependencies between both documents.

6.4 Additional channels, mechanisms and dialogue methods will include:

- A link to the questionnaire via Lewisham's Consultation Portal and a news items on the Council's website
- A link within the Lewisham Life eNewsletter and any other relevant eNewsletters issued by the Council during the lifetime of the consultation
- A link to the questionnaire aimed at staff via 'News for You'
- A link to the questionnaire for councillors
- Awareness of the consultation using Local Assemblies', Young Advisors' and Voluntary Action Lewisham's communication mechanisms and the 'Greenscene' Twitter account
- Direct mail to other individuals/organisations who have in the past expressed an interest in the Lewisham environment and in particular its rivers, and who are not already on the Planning Policy mailing list
- Notification of the consultation to schools which have expressed an interest in the subject
- Notification of the consultation to existing groups such as the Ravensbourne Catchment Improvement Group and the South East London Flood and Water Management Group
- Consideration of a specific mail drop to properties adjoining, or in close proximity, to the borough's rivers

7. Legal implications

- 7.1 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.
- 7.2 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.
- 7.3 If full Council resolves to adopt the SPD, the document will form part of the Local Development Framework
- 7.4 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.

- 7.5 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.
- 7.6 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.
- 7.7 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/>
- 7.8 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
- 7.9 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/>

8. Conclusion

8.1 The Council is asked to approve the River Corridors Improvement Plan SPD attached as Annex 1 to this report.

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 Corridors Improvement Plan SPD – Version for public consultation

Annex 2: Report to Mayor and Cabinet on Lewisham River Corridors Improvement Plan SPD 14 January 2015

This may be viewed at:

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