

MAYOR & CABINET

Report Title	Local Development Framework: Revised Local Development Scheme		
Key Decision	Yes		Item No.
Wards	All		
Contributors	Head of Planning and Head of Law		
Class	Part 1		Date: 4 March 2015

1. Purpose

- 1.1 This report seeks approval of the revised Local Development Scheme.

2. Summary

- 2.1 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. At present these adopted documents are the Core Strategy, Site Allocations, Development Management and Lewisham town centre plans. Going forward an integrated Local Plan will be produced, in line with government guidance and will draw on, incorporate and update aspects of the adopted documents, including the supporting evidence base.
- 2.2 The Development Plan Documents, together with the London Plan, form the Development Plan for the London Borough of Lewisham. The Planning and Compulsory Purchase Act 2004 (the Act) (as amended) provides for Local Development Schemes (LDS) and 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.
- 2.3 This report sets out the details of the revised LDS and details the documents that will have the status of a Local Plan.

3. Recommendations

The Mayor is recommended to;

- 3.1 Approve the revised content and timetable of the Local Development Scheme at Appendix 1 and recommend to Council to 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 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 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
- Social Inclusion Strategy and
- Local Education Authority School Plan

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

- 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 (as amended) (the Act) establishes the requirement for the Local Development Scheme and 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 To date, a portfolio of planning documents (Local Development Framework) has been prepared by the Council, which collectively will deliver the planning strategy for Lewisham. This includes:

- A number of different Local Plans setting out spatial land uses, development policies and site allocations for the borough and specific areas (such as Lewisham Town Centre)
- Supplementary Planning Documents (SPDs) for specific issues or areas and
- 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 Going forward an integrated Local Plan will be produced, in line with government guidance, set out in the National Planning Policy Framework. Elements of the existing portfolio of planning documents are still relevant and can be used as a starting point for the preparation of the integrated Local Plan.

5.4 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 27 February 2013.

- 5.5 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.
- 5.6 This current revised LDS has been prepared to reflect changing government regulations and guidance, and changed local circumstances that require the timetable of Local Plan production to be updated.

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. Government guidance, contained in the National Planning Policy Framework (2012), favours a single plan approach, where instead of having a suite of separate documents forming the Development Plan, the documents are brought together into an integrated Local Plan. The NPPF does not preclude additional documents but this must be fully justified.
- 6.2 Using the existing adopted Local Plans as a starting point, the Council will produce an integrated Local Plan, and a separate, single issue local plan relating to Gypsy and Traveller Site(s) which will update and replace the adopted Local Plans. These plans are:
 - (i) the Core Strategy (adopted June 2011)
 - (ii) the Site Allocations Local Plan (adopted June 2013)
 - (iii) the Development Management Local Plan (adopted November 2014) and
 - (iv) Lewisham Town Centre Local Plan (adopted February 2014).
- 6.3 The LDS sets out the timetable for producing the integrated Local Plan and the Gypsy and Traveller Local Plan 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.

7. Key changes to the LDS

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

Adopted Local Plans to be superseded

- 7.2 The Core Strategy was adopted in June 2011, and since the LDS was last updated (February 2013) three further Local Plans have been adopted. These are the Site Allocations Local Plan, the Lewisham Town Centre Local Plan and the

Development Management Local Plan. As these plans have now been adopted, they have been removed from the revised LDS.

Catford Town Centre Area Action Plan (CTCLP)

- 7.3 The Catford Town Centre Local Plan (CTCLP) was proposed to set out policies and proposals for the on-going redevelopment and regeneration of Catford Town Centre, however the Plan was withdrawn from Examination on 19 December 2013.
- 7.4 The main reason for withdrawal was that following publication of the independent 'Roads Task Force' (RTF) report in July 2013, the Mayor of London requested that Transport for London (TfL) and the London boroughs look again at long established road improvement proposals and how they might be implemented. This included the long established proposals to improve the A205 South Circular road in Catford Town Centre by relocating the A205 road behind Laurence House. The CTCLP had taken the view that these proposals were unlikely to be implemented and set out a new policy that committed the Council to abandon the TfL proposal to realign the South Circular to the rear of Laurence House.
- 7.5 As a result of the Mayor of London's request that the TfL A205 road improvement be re-examined senior officers at the Council and TfL met to discuss this matter. The outcome of these discussions was that in the new context of the RTF report and possible new resources for implementing road improvements there was merit in re-examining the original TfL A205 road improvement proposals. This review is currently underway however as the outcome is unknown this Plan has been removed from the LDS.
- 7.6 The preparation of a new integrated Local Plan will consider the stage of the road improvements review and whether or not to include Catford-specific policies.

Integrated Local Plan

- 7.7 The Local Plan will be the key new planning policy document for the borough. It is our plan for the future and sets out the strategic direction and key decisions for how much development will happen in the borough and where, when, and how it will take place. It also allocates sites for development and contains policies to guide decisions on planning applications.
- 7.8 The integrated Local Plan will update and replace the Core Strategy (2011), Development Management Local Plan (2014), Site Allocations Local Plan (2013), Lewisham Town Centre Local Plan (2014). When the Local Plan is submitted to the Secretary of State for independent examination it will include a list of LDF policies that will be superseded.

Gypsy and Travellers Site(s) Local Plan

- 7.9 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.
- 7.10 The current LDS (2013) includes the production of this single issue Local Plan and sets out the timetable for its production. Public consultation on the GTSLP was due during July and August 2013, with submission in May 2014. However, the time taken to find an appropriate site or sites for inclusion in the plan means that the evidence base relating to the demand or 'need' for Gypsy and Traveller accommodation in the borough needs to be reassessed. The existing evidence of 'need' was based on the 2008 London-wide Gypsy and Travel Needs Assessment which is not being updated at a regional level, instead individual boroughs are now responsible for producing updated needs assessments specific to their area. In light of these changes, the planning service have now commissioned a new needs assessment, with the consultants being appointed in October 2014 and the report expected in mid-March 2015. This means a revision of the LDS has been necessary.

Supplementary Planning Documents (SPDs)

- 7.11 SPDs provide further detail to policy matters detailed in Local Plans. There is no longer a requirement to include SPDs within the LDS.

8. Financial Implications

- 8.1 There are no financial implications arising from this report. The cost of public consultation and related printing and publishing of any Local Plan document will be met from the existing Planning Service budget.

9. Legal implications

- 9.1 Some of the legal implications are set out in the body of the report. The function of producing Local Plans is shared by Mayor and Cabinet and Full Council. The formal adoption of the Local Development Scheme is a decision reserved to Council.
- 9.2 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.
- 9.3 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.

9.4 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.

9.5 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/>

9.6 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

9.7 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. Crime and Disorder Implications

10.1 Local Plans allow for a spatial planning approach where the focus will be 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, in the form of an Equalities Analysis Assessment (EAA). An EAA will be undertaken for both the integrated Local Plan and the Gypsy and Travellers Site(s) Local Plan. The EAAs 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.

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
National Planning Policy Framework	http://www.communities.gov.uk/publications/planningandbuilding/nppf	March 2012	Laurence House	Planning Policy	Brian Regan	No
Local Plan Regulations 2012	http://www.legislation.gov.uk/uksi/2012/767/contents/made	2012	Laurence House	Planning Policy	Brian Regan	No

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

Appendix 1: Revised Local Development Scheme 2015