

## MAYOR AND CABINET

<b>Report Title</b>	Local Development Scheme (LDS) 2018		
<b>Key Decision</b>	Yes		Item No.
<b>Wards</b>	All		
<b>Contributors</b>	Executive Director for Resources and Regeneration		
<b>Class</b>	Part 1	Date: 10 January 2018	

### 1. Purpose

- 1.1 This report seeks approval of the revised Local Development Scheme (LDS) 2018.

### 2. Summary

- 2.1 The LDS outlines the suite of Lewisham's planning policy documents and the programme for preparing or reviewing them. This includes a work plan for a new Local Plan for Lewisham that sets out the vision and a framework for the future development of the borough, including the planning policies that will guide the assessment and determination of planning applications. At present the adopted Development Plan Documents (DPDs) include the Core Strategy DPD, Site Allocations DPD, Development Management DPD and the Lewisham Town Centre Local Plan DPD. These are supported by a number of Supplementary Planning Documents (SPDs) and other supporting documents.
- 2.2 To reflect changing local circumstances and new government planning guidance and legislation, the previous LDS (adopted in 2015) is being revised. The revised LDS sets out a new programme to prepare the new Local Plan which will look to develop an integrated approach planning in Lewisham. Going forward into 2018, the current Local Plan will be reviewed and revised where necessary.
- 2.3 These documents together with the London Plan, form the development plan for Lewisham. The Planning and Compulsory Purchase Act 2004 (the Act) (as amended by Planning Act 2008 and Localism Act 2011) outlines the requirement for the LDS, and requires the Council to keep its LDS up-to-date.
- 2.4 This report sets out the details of the new LDS and identifies the documents that will form the new Local Plan in Lewisham.

### 3. Recommendation

The Mayor is recommended to;

- 3.1 Approve the revised content and timetable of the Local Development Scheme in Annex 1 and subject to confirmation that it is not intended to direct any changes, approve it's publication and placement on the Council's website.
- 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 publication.
- 3.3 Refer to Council for information.

#### **4. Policy context**

- 4.1 The LDS contributes to the implementation of the Council's Sustainable Community Strategy (2008-2020) 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, anti-social 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 and enjoy 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.
- 4.2 The LDS contributes to the implementation of the Council's Corporate Priorities including:
  - 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
  - Protection of children – better safeguarding and joined up services for children at risk
  - Caring for adults and older people - working with health services to support older people and adults in need of care

- 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

4.3 The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and Localism Act 2011) set out the requirements when preparing and reviewing planning policy documents, and Development Plan Documents must be prepared in accordance with the Local Development Scheme. 4.3 The LDS outlines the planning documents that will form the new Local Plan for Lewisham. The new Local Plan will seek to align to the Council's Sustainable Community Strategy (Shaping Our Future), which was prepared by the Local Strategic Partnership, and adopted by the Council in May 2008.

4.4 The documents outlined within the LDS will seek to align with a range of other Council policies and strategies. These may include, but are not limited to, the following:

- Business Growth Strategy 2013-23
- Children and Young People's Plan 2015-18
- Comprehensive Equalities Scheme 2016-20
- Flood Risk Management Strategy 2015
- Health and Wellbeing Strategy 2015-18
- Housing Strategy 2015-20
- Local Implementation Plan (Transport) 2011-31
- Open Spaces Strategy 2012-17
- Primary Strategy for Change 2008-17
- People Prosperity Place; Regeneration Strategy 2008-20
- Safer Lewisham Plan 2017-2018
- Strategic Asset Management Plan 2015-20

4.5 The documents outlined within the LDS will seek to contribute 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 approval of Full Council to be adopted.

## 5. Background

5.1 To date, a portfolio of planning documents (previously known as the Local Development Framework) have been prepared by the Council, which collectively

will deliver the vision and a framework for the future development of Lewisham. This includes:

- A number of different DPDs setting out spatial strategies and land uses, development policies, and site allocations for the borough and for specific areas (such as Lewisham Town Centre)
- Supplementary Planning Documents (SPDs) for specific issues or areas
- Supporting 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

5.2 Going forward a review and revision of the Local Plan will be undertaken as necessary, in line with government guidance set out in the National Planning Policy Framework (2012) (NPPF) and relevant planning legislation. Existing planning documents will be reviewed and relevant planning policies will be retained for the new Local Plan.

5.3 The LDS 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 Full Council at its meeting on 24 June 2015.

5.5 The Act (as amended) requires that the LDS is kept up to date. To reflect changing local circumstances and new government planning guidance and legislation, the current LDS (2015) timetable will be replaced, with the attached new LDS providing a new programme and documentation that reflects ambitions for a new Local Plan. The new LDS has been prepared to reflect current government regulations and guidance, and to reflect changes to local circumstances since 2015.

## **6. LDS content**

6.1 The revised LDS aligns to new planning regulations that governs plan preparation; the Town and Country Planning (Local Planning) (England) Regulations (2012), which amends the stages of preparing Local Plans. Government guidance contained in the NPPF allows for both a single plan approach with an integrated Local Plan, as well as an approach whereby a suite of documents form the Local Plan. Whilst guidance encourages the integration of plans, the NPPF does not preclude multiple documents forming the Local Plan where this is justified.

6.2 The Council is committed to meeting ambitions to provide a new Local Plan for Lewisham. This will require a review and revision where necessary of the existing adopted planning policies as part of the production of a new Local Plan. The new Local Plan will include the production of a separate, single issue local plan on the topic of Gypsy and Travellers. In addition the Council will produce a new SCI, Site Allocations (Policies Map), and Alterations and Extensions SPD. At present the Council intends to retain the Lewisham Town Centre Local Plan, which was adopted in February 2014.

- 6.3 The new Local Plan will review and revise where necessary, the following currently adopted DPDs and SPDs:
- (i) the Core Strategy (June 2011)
  - (ii) the Site Allocations Local Plan (June 2013)
  - (iii) the Development Management Local Plan (November 2014)
  - (iv) Residential Development Standards SPD (2006) (updated 2012)

- 6.4 There are currently a number of other SPDs adopted by the Council, these include:
- (i) Shopfront Design Guide SPD (2006)
  - (ii) Planning Obligations SPD (2015)
  - (iii) Bromley Road / Southend SPD (2009)
  - (iv) Deptford Creekside SPD (2012)
  - (v) River Corridor Improvement Plan SPD (2015)

These SPDs provide further detailed planning guidance to the main policies within the current Local Plan DPDs, and form a material consideration in determining planning applications. These SPDs are not intended to be updated as part of the Local Plan preparation process, however it may become necessary to review and update these once the new Local Plan has been adopted.

- 6.5 The LDS sets out the timetable for producing the new Local Plan and associated supporting 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.
- 6.6 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 from 2015, and a summary of the proposed LDS 2018.

## **7. Key changes to the LDS 2015 and summary of proposed LDS 2018**

- 7.1 The key changes to the 2015 LDS programme and summary of the proposed LDS 2018 are outlined below.

### Local Plan Documents

- 7.2 The 2015 LDS proposed to replace the Core Strategy (2011), the Site Allocations Local Plan (2013), the Lewisham Town Centre Local Plan (2014) and the Development Management Local Plan (2014) with a new Local Plan.
- 7.3 This 2018 LDS seeks to review and revise where necessary, the Core Strategy (2011), the Site Allocations Local Plan (2013), and the Development Management Local Plan (2014). The new Local Plan will replace/update these DPDs to provide an integrated approach to planning in Lewisham. It is proposed to retain the Lewisham Town Centre Local Plan which was adopted in 2014.

- 7.4 The proposed new Local Plan will be the key new planning policy document for the borough. It will set out the vision and a framework for the future development of Lewisham, including guiding decisions about individual development proposals, and provides allocations of sites for development. It is proposed to be supported by a Policies Map. The programme for this is contained within the LDS in Annex 1.

#### Gypsy and Travellers Site(s) Local Plan

- 7.5 The current 2015 LDS includes the production of a single issue Local Plan for Gypsy and Travellers. The initial phase of public consultation on the GTSLP occurred in March 2013, however it was not progressed further. In June 2015, the Council published the Lewisham Gypsy and Traveller Accommodation Needs Assessment, and in January 2016 began preparing the GTSLP including a review of the 2015 Accommodation Needs Assessment which was updated in August 2016.
- 7.6 The proposed Gypsy and Traveller's Site(s) Local Plan (GTSLP) will allocate a site(s) to meet the identified local accommodation needs of Gypsy and Traveller communities in the borough. A revised programme for this plan is included within the new LDS in Annex 1.

#### Statement of Community Involvement (SCI)

- 7.7 Since the previous SCI was adopted in 2006, there have been a number of important changes to relevant planning legislation and guidance. As such it is proposed to produce a new SCI. The programme for the SCI is contained in the LDS in Annex 1.

#### Alterations Extensions SPD Revision

- 7.8 The current Residential Design Standards SPD was prepared in 2006, and updated in 2012. It is proposed that this SPD be reviewed and partially updated by a new Alterations and Extensions SPD. The programme for this SPD is contained in the LDS in Annex 1.

#### Other Supporting Documents

- 7.9 All other SPDs and supporting documents are proposed to be retained under the 2018 LDS.

### **8. Financial Implications**

- 8.1 There are no financial implications arising from this report. The cost of updating the evidence base, 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 Many of the legal implications are set out in the body of the report. Section 9D of the Local Government Act 2000 states that any function of the local authority which is not specified in regulations under subsection (3) is to be the responsibility of an executive of the authority under executive arrangements. The Local authorities (Functions and Responsibilities (England) Regulations 2000 specifies that certain functions relating to Development Plan documents are by law the responsibility of the Council. No specific reference is made to a the preparation of the Local Development Scheme in the Regulations and as it is not a Development Plan Document it is therefore an executive function.
- 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 2016-20 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 new 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.

## **13. Conclusions**

- 13.1 Approve the revised content and timetable of the Local Development Scheme in Annex 1 and subject to confirmation that it is not intended to direct any changes, approve its publication and placement on the Council's website.
- 13.2 Authorise the Executive Director for Resources and Regeneration to make any minor changes to the text and format of the documents prior to publication.
- 13.3 Refer to Council for information.



## Background documents and originator

Short Title Document	Web Link	Date	File Location	File Reference	Contact Officer	Exempt
National Planning Policy Framework	<a href="http://www.communities.gov.uk/publications/planningandbuilding/nppf">http://www.communities.gov.uk/publications/planningandbuilding/nppf</a>	March 2012	Laurence House	Planning Policy	David Syme	No
Planning Act 2008	<a href="https://www.legislation.gov.uk/ukpga/2008/29/contents">https://www.legislation.gov.uk/ukpga/2008/29/contents</a>	2008	Laurence House	Planning Legislation	David Syme	No
Localism Act 2011	<a href="http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted">http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</a>	2011	Laurence House	Planning Legislation	David Syme	No
Local Plan Regulations 2012	<a href="http://www.legislation.gov.uk/uksi/2012/767/contents/made">http://www.legislation.gov.uk/uksi/2012/767/contents/made</a>	2012	Laurence House	Planning Legislation	David Syme	No

If you have any queries on this report, please contact David Syme, Strategic Planning Manager, 3<sup>rd</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU, telephone 020 8314 7400.

## Annex 1: Local Development Scheme (LDS) - January 2018