

Mayor & Cabinet		
Report Title	Local Development Framework – Site Allocations Development Plan Document – Proposed Submission	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Head of Planning & Head of Law	
Class	Part 1	Date: 15 February 2012

1. Summary

- 1.1 The Site Allocations Development Plan Document (Site Allocations DPD) 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.
- 1.2 The legal process leading to adoption of the Site Allocations DPD requires the Council to publish a proposed submission version for the public and interested parties to make representations on issues of soundness. These representations are submitted to the Planning Inspectorate together with the proposed submission document for independent examination at an Examination In Public (EIP).
- 1.3 The Mayor is asked to recommend that the Full Council approve the proposed submission document for publication and following the prescribed representation period its submission to the Planning Inspectorate for an EIP.

2. Purpose

- 2.1 This report seeks approval to submit the Site Allocations DPD to the Secretary of State for an Independent Examination in Public (EIP).
- 2.2 This report provides a summary of the process that must be followed to legally adopt the Site Allocations DPD and a summary of the content of the submission version Site Allocations DPD and the accompanying Sustainability Appraisal. The proposed submission Site Allocations DPD is set out as annex 1 and the Sustainability Appraisal as annex 2 to this report. These documents can be accessed electronically on the Council website at:
<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=2132>

3. Policy context

- 3.1 The contents of this report are consistent with the Council's policy framework. The proposed submission Site Allocations DPD contributes to the implementation of each of the Council's ten priorities as follows:

- community leadership and empowerment
- young people's achievement and involvement
- clean, green and liveable
- safety, security and a visible presence
- strengthening the local economy
- decent homes for all
- protection of children
- caring for adults and older people
- active, healthy citizens
- inspiring efficiency, effectiveness and equity

3.2 The proposed submission Site Allocations DPD will help give spatial expression to the Sustainable Community Strategy (Shaping Our Future) (SCS), which was prepared by the Local Strategic Partnership and adopted by the Council in May 2008. The Site Allocations DPD also plays a central role in the implementation of the SCS 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

3.3 The Site Allocations DPD will help implement a range of other Council policies and strategies particularly the Core Strategy that was adopted by the Council in June 2011. The Core Strategy set out the overall vision for the borough and the Site Allocations DPD fills in the detail for how sites across the borough, but outside Lewisham and Catford town centres should be developed. The Site Allocations DPD is part of the LDF and as such it is part of the Council's policy framework as set out in the Council's constitution and will require the approval of the full Council.

4. Recommendations

4.1 The Mayor is recommended to approve the Site Allocations Development Plan Document Proposed Submission Version and the accompanying Sustainability Appraisal, for submission to the Secretary of State for the purpose of an Independent Examination and to recommend that the Full Council do the same.

4.2 The Mayor is recommended to delegate power to make any minor changes to the text and format of the documents prior to consideration by the Council and prior to Submission, to the Executive Director for Resources and Regeneration.

5. Background and summary of process

5.1 The Site Allocations DPD, when adopted, will be part of Lewisham's Local Development Framework (LDF). The LDF refers to the group of documents setting out the Council's planning strategy and policies and will collectively replace the Unitary Development Plan (UDP). The LDF was introduced by the Planning and Compulsory Purchase Act 2004.

5.2 The process for adopting a development plan are prescribed by legislation and government guidance. Of particular importance are the Planning and Compulsory Purchase Act 2004; the Town and Country Planning (Local Development) (England) Regulations 2004 as amended in 2008 and 2009 and Planning Policy Statement 12, 'Local Spatial Planning'.

5.3 In summary, the regulations and guidance involve the following stages:

- Issues and Options (October 2005)
- Preferred Options (May to June 2007)
- Further Options (October 2010)
- Proposed Submission (current stage)
- Independent Examination in Public (EIP)
- Inspectors report on 'soundness'
- Adoption by Council

5.4 As outlined above we have now reached the proposed submission stage of the process having been through three rounds of public consultation. The report to Mayor and Cabinet on the further options document on 14 July 2010 set out the detail of the consultation process that had taken place up to that point.

5.5 The regulations require the local planning authority (LPA) to publish both on the website and at various specified places a copy of the proposed submission document together with other supporting documents. Any person may make representations about the proposed submission document during a period specified by the LPA. The Council normally allows a 6 week period for representations.

5.6 At the same time the Council publish the proposed submission Site Allocations DPD it must request a statement of general conformity with the London Plan from the Mayor of London. The Mayor has 6 weeks to respond starting on the day the request is made. This is to ensure that the policies and proposals in the Site Allocations DPD are in general conformity with those of the London Plan.

5.7 Following the 6 week period for representations the Council can submit the DPD to the Secretary of State for Independent Examination by a Planning Inspector

appointed by government. The purpose of the proposed submission representation period is to identify if any issues of 'soundness' arise from the publication document.

- 5.8 The matters of 'soundness' are set out in PPS 12 and are the issues that the Planning Inspector will consider at the EIP. In summary the soundness issues relate to legal conformity with the regulations during the production of the DPD; the issue of justification, that is, the DPD is founded on robust and credible evidence; the issue of effectiveness, that is, the DPD is sufficiently flexible to respond to changing circumstances and is deliverable.
- 5.9 The representation made on the proposed submission Site Allocations DPD can only relate to a matter of soundness. If the Council considers no representation raises an issue that would make the DPD unsound it is free to submit the DPD to the Planning Inspectorate for the EIP. The regulations do not make allowance for the Council to change the DPD in response to the representations received. Rather, the Council submits all the representations made to the Planning Inspector for consideration. It is for the Inspector to choose which issue raised by the representation should be considered at the EIP.
- 5.10 Following the EIP the Inspector will submit a report to the Council. The report will set out whether the Inspector considers the DPD sound or not and should therefore be adopted or not and give reasons for the recommendation. The Inspector can also recommend modifications that would make the DPD sound. The Council can then go on to adopt the DPD.
- 5.11 The adoption of the DPD will necessitate amendments to the Council's Proposals Map. A separate document will show the mapping changes required as a result of the DPD. These mapping changes will be publicised and submitted to the Planning Inspectorate alongside the DPD.
- 5.12 The proposed submission Site Allocations DPD does not include an allocated site for Gypsy and Traveller accommodation. The further options report of the Site Allocations DPD was subject to public consultation during October to December 2010 and this version included a proposed site allocation for gypsy and travellers accommodation at a site in Church Grove. However, following further investigation and public consultation Officers no longer consider this site suitable. These matters are dealt with in the 'Travellers' Site Search' report elsewhere on this agenda. To be consistent officers have therefore removed the Church Grove site allocation from the Site Allocations Submission DPD.
- 5.13 Assuming the Mayor agrees the recommendation to undertake a further site search for a travellers site, (see the 'Travellers' Site Search' report elsewhere on the agenda), it is apparent that any new site search will not be completed within the timetable envisaged for the Site Allocations DPD. Additionally, at this final proposed submission stage, the addition of new sites is not acceptable as they will not have been subject to the full LDF preparation and consultation process.

5.14 It is therefore proposed to submit the Site Allocations DPD to the Secretary of State without an identified Gypsy and Traveller site. Officers consider that to delay further while the travellers site search continues would be unacceptable as the Site Allocations DPD contains many other site allocations that need to be progressed for proper planning and redevelopment within the borough. Not least of these allocations are the sites to meet the housing targets set in the Core Strategy and the London Plan. However, the lack of a gypsy and travellers site allocation may be an issue raised at the EIP.

6. Summary of submission Site Allocations DPD

6.1 The proposed submission Site Allocations DPD is set out as annex 1 to this report. The content of the DPD is set out in three sections as follows:

1. Introduction
2. Site Allocations
3. Delivery, implementation and monitoring

6.2 Section 1 provides an explanation of what a Site Allocations DPD is and how it fits in to the wider planning policy context. It outlines the key objectives of the document as well as the range of uses that the sites are designated and safeguarded for, including the sites necessary to deliver the housing targets set out in the London Plan and the Core Strategy.

6.3 Section 2 identifies and sets out proposals for each of the identified sites. It details how the sites were selected, including the range of sources the sites were selected from. The relationship between the Site Allocations DPD and the Core Strategy is explained, as well as how the Site Allocations DPD supports the delivery of the objectives and spatial policies of the Core Strategy. Five strategic sites, Convoys Wharf, Surrey Canal Triangle, Oxestalls Road, Plough Way and Lewisham Gateway, are allocated in the adopted Core Strategy as their development is considered central to the success of the Core Strategy. These sites are therefore not included in this document.

6.4 The allocated sites are grouped together under the four spatial policy areas identified in the Core Strategy, this section is therefore structured as follows:

- Sites falling within the Regeneration & Growth Areas
- Sites falling within the District Hubs
- Sites falling within the Local Hubs
- Sites falling within the Areas of Stability and Managed Change

6.5 Safeguarded waste management sites, Site of Importance for Nature Conservation and details of the primary and secondary frontages in the major and district centres are also set out in Section 2.

6.6 Section 3 provides details of the delivery, implementation and monitoring mechanisms.

7. Comments arising from public consultation (Site Allocations Further Options Report, October 2010)

7.1 The Site Allocations DPD Further Options Report was released for public consultation from 25 October 2010 until 6 December 2010. A total of 29 individual respondents made 120 detailed comments on the Site Allocations DPD Further Options Report October 2010 as follows:

- 19 comments were classified as objections
- 2 comments were largely observational, but with some element of objection
- 8 were supporting comments
- 2 comment was largely in support but with some caveats or requested change
- 89 were classified as 'observations' giving further information or commenting in a general way

7.2 In responding to the consultation comments, Officers have made changes to the proposed submission version of the Site Allocations DPD where appropriate to accommodate their requirements. A detailed consultation report will be published as part of the public consultation on proposed submission Site Allocations DPD.

8. Sustainability Appraisal

8.1 A Sustainability Appraisal (SA) for the proposed submission Site Allocations DPD is included as Annex 2 to this report. The main purpose of the SA is to appraise the social, environmental and economic effects of the plan's strategies and policies. The SA also incorporates the statutory Strategic Environmental Assessment (SEA) and Appropriate Assessment requirements.

8.2 Each stage of the plan making process is accompanied by a sustainability appraisal, so that any potential negative impacts of policy decisions are taken into account at the decision making stage, and decisions can be seen to have been made in accordance with the principles of sustainable development.

8.3 The potential direct, indirect and cumulative impacts of the proposed submission Site Allocations DPD have been appraised and identified. The SA details that positive effects include:

- new housing across the borough
- new business space offering different business opportunities
- safeguarded waste sites providing for waste management and recycling, and waste incineration which generates energy
- new and renovated school buildings will be built to BREEAM 'Excellent' standards
- Sites of Importance for Nature Conservation offer a range of benefits to biodiversity, and maintaining viable habitats in a urbanised environment, they also provide a range of more intangible benefits in term of psychological and physical human health.

- 8.4 The SA highlighted predicted negative effects of the Site Allocations DPD in relation to:
- waste generation including demolition and construction waste
 - increased consumption of materials and resources
 - the ability to provide for walking and cycling as part of new development
 - contributions to greenhouse gas emissions
 - air quality for those sites located within an Air Quality Management Area
 - flood risk for those sites located in areas of higher flood risk.
- 8.5 The SA includes mitigation recommendations to address the predicted negative effects as well as clear links to policies contained in other Development Plan Documents, such as the Core Strategy, to ensure that the mitigation is addressed in order to achieve sustainable development.
- 8.6 It is a legal requirement that the council consult on the Sustainability Appraisal alongside the Site Allocations DPD. In accordance with the SEA Directive, the government has designated that the Sustainability Appraisal report must be consulted with the Environment Agency; the Countryside Agency; and Natural England.

9. Habitats Regulations Assessment

- 9.1 The EU Habitats Directive (92/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora) requires the Council to undertake an assessment of the implications of a proposed plan or project on designated European sites (classified as Special Areas of Conservation, Special Protection Areas and Offshore Marine Sites). The assessment process is known as a Habitats Regulations Assessment or HRA and is a separate (but complimentary) activity to the Sustainability Appraisal.
- 9.2 In the context of the LDF all Development Plan Documents (DPDs) and Supplementary Planning Documents are subject to the Habitats Directive. This includes the Site Allocations DPD. The purpose of HRA is to ensure that the integrity of European sites are protected through the planning process.
- 9.3 An HRA was carried out for the emerging DPD and concluded that the proposed site allocations and policies were not likely to have significant effects on designated European sites (Lee Valley, Epping Forest, Richmond Park and Wimbledon Common). As such, only Stage 1 (screening) of the HRA process was required to be undertaken. This conclusion was supported by Natural England. Details can be found in the separate HRA Screening Report.

10. Legal Implications

- 10.1 The key stages and requirements in progressing the proposed submission Site Allocations DPD to adoption and the main legal implications are described in the body of this report.

- 10.2 The procedures which the Council is required to follow when producing a Development Plan Document (DPD) derive from the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and Planning Policy Statement 12.
- 10.3 The function of approving DPDs is shared by Mayor and Cabinet and Full Council. The proposed submission Site Allocations DPD together with the Sustainability Appraisal of the DPD must therefore be referred to Full Council for approval to submit the DPD to the Planning Inspectorate on behalf of the Secretary of State.
- 10.4 The Council has adopted its Statement of Community Involvement (SCI) which sets out the minimum consultation that will take place and it is a requirement of a 'sound' plan that the standards in the SCI are met. This will include statutory consultees, land owners, community groups and other interested individuals and groups.

11. Crime and disorder implications

- 11.1 The proposed submission Site Allocations DPD identifies specific sites for development and one of the five key objectives of the Site Allocations DPD is to 'create safe and attractive environments'. While the Site Allocations DPD does not provide details of how the sites are to be developed, 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 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 Lewisham's Core Strategy was the subject of a comprehensive Equalities Impact Assessment (EIA) (now called Equalities Analysis Assessment) in February 2009. This assessment was to 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. As the function of the Site Allocations DPD is to implement the Core Strategy's spatial strategies the overarching equalities assessment provides a sound assessment for this secondary document. In addition, planning applications for development on specific sites will need to demonstrate how proposals meet the objectives and policies of the Core Strategy.
- 12.2 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty 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.

- 12.3 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.
- 12.4 As was the case for the original separate duties, the new 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.
- 12.5 The Equality and Human Rights Commission issued guides in January 2011 providing an overview of the new equality duty, including the general equality duty, the specific duties and who they apply to. The guides cover what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guides were based on the then draft specific duties so are no longer fully up-to-date, although regard may still be had to them until the revised guides are produced. The guides do not have legal standing unlike the statutory Code of Practice on the public sector equality duty, However, that Code is not due to be published until later in 2011. The guides can be found at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties/new-public-sector-equality-duty-guidance/>

13. Environmental implications

- 13.1 Environmental issues are at the heart of the planning process and the key objectives of the Site Allocations DPD 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 Sustainability Appraisal of the Site Allocations DPD has assessed all the policies against the sustainability objectives.

14. Financial Implications

- 14.1 The costs associated with the printing, publishing and the EIP on the proposed submission Site Allocations DPD will be met from the existing Planning Services budget.

15. Conclusion

- 15.1 The proposed submission Site Allocations DPD and the Sustainability Appraisal are put forward for approval for submission to the Planning Inspectorate, on behalf of the Secretary of State, for the purpose of Independent examination. Following submission, an EIP will be held and the Inspector will make a report to the Council on

whether or not the Site Allocations DPD is sound. If found sound the Council can adopt the Site Allocations DPD as a statutory planning document. The delivery of the sites identified within the Site Allocations DPD will contribute to the implementation of the Lewisham Core Strategy.

Background Documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Planning & Compulsory Purchases Act 2004	2004	Laurence House	Planning Policy	Brian Regan	No
PPS 12	2008	Laurence House	Planning Policy	Brian Regan	No
LDF Regulations	2004, 2008 & 2009	Laurence House	Planning Policy	Brian Regan	No

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