

### Executive Report Signing-off Sheet

<b>Title of Report:</b>	Local Development Framework – Core Strategy Submission Document		
<b>Name of Meeting:</b>	Mayor in Consultation with Cabinet	<b>Date of Meeting:</b>	28/3/11
<b>Report Author(s):</b>	Dave Whittaker		
<b>Service Area:</b>	Regeneration, Planning and Property – Strategy Division		

This Report is:	
A Key Decision (Yes/No):	Yes
Currently listed on the Forward Plan (Yes/No):	Yes
A Policy Framework document (Yes/No)	Yes
An 'Exempt' Report, or will have exempt appendices (please specify):	Not exempt

The following Members and non-officer consultees have been considered in the preparation of this report:	Name(s)	Date of meeting(s)/ clearance
Lead Executive Member(s):	Councillor: McAuley	tbc
Ward Members and Community Lead Councillor (via the Influential Councillor Scheme):	All Community Lead Councillor meetings	Over February and March
Young Mayor (as appropriate):	Young Mayor/Youth Council engaged in LDF process with regular updates and opportunities for discussion	n/a
Overview and Scrutiny Committee (All policy framework documents must be submitted to the Committee before consideration by the Executive)	(any comments to be reported verbally to Cabinet)	22/3/11

The following Members and non-officer consultees have been considered in the preparation of this report:	Name(s)	Date of meeting(s)/ clearance
Local Strategic Partnership via the Newham Partnership Board (as appropriate)		tbc
Consultation with citizens, stakeholders and service users (list as appropriate):	Ongoing programme of engagement on LDF with key stakeholders and wider community.	

The following officers have been considered in the preparation of this report:	Clearing Officer	Date clearance received
Financial comments/implications (in consultation with relevant Departmental Head(s) of Finance):	Adela Conway	16/3/11
Legal comments/implications (in consultation with Legal Services):	Michelle Hoque	16/3/11
Risk Management Implications (in consultation with the Corporate Risk Manager):	Neil Edwards	17/3/11
Democratic Services (Please send all draft reports to Democratic Services)	Debbie Boon	
Links to Plans and Strategies (in consultation with Head of Corporate Planning and Partnerships):	David Hodgkins	17/3/11
Sustainability Impact Appraisal	Resources Board	n/a
Procurement implications (in consultation with the Strategic Procurement Unit):	n/a	
Property/Land implications (in consultation with the Head of Property and Development):	Michael Flanagan	17/3/11
Human Resources implications (in consultation with the Head of Human Resources):	n/a	

Names of consultees can be found on the intranet.

Please confirm that the following has been completed:	Yes	No
Part A of the report is no longer than 4 pages long.	Yes	
List of Background papers ( <b>this is a legal requirement</b> ):	Yes	
Relevant exclusion paragraph if the report or any appendices are Exempt:	n/a	
Urgency paragraph for <b>late reports</b> (if appropriate):	n/a	

Report authors (or their representative) will be asked to attend the Resources Board meeting which meets two weeks before the meeting to introduce their report. This is a meeting of Senior Officers from Legal, Risk, Finance, Procurement, HR etc to discuss reports and advise report authors. A meeting invitation will be sent to the report author.

**This report has been seen and cleared for submission to the meeting by:**

**Head of Service / Executive Director**      John East – Divisional Director, Development Services

**Date:** \_\_\_\_\_ tbc \_\_\_\_\_

# LONDON BOROUGH OF NEWHAM

## CABINET

<b>Is it a key decision?</b>	Yes
<b>Is it in the Forward Plan?</b>	Yes
<b>Date report published</b>	XX/XX/XX
<b>Date of meeting</b>	28/3/11

**Subject:** Local Development Framework – Core Strategy Submission Document

**Source:** Regeneration, Planning and Property

**Wards affected:** All

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### **Purpose of Report**

The purpose of this report is to seek approval of the Submission document of the Council's Local Development Framework Core Strategy, and supporting documents, for submission to the Secretary of State on March 31st.

The Core Strategy will form the main part of the Local Development Framework which will replace the Unitary Development Plan as the Council's statutory development plan, and will therefore be a key delivery mechanism for the Council's ambitious objectives for regeneration.

The earlier draft of this document – the Proposed Submission document – was approved by Cabinet on January 27<sup>th</sup> for publication for representations to be made on issues relating to compliance with legal matters or 'soundness' as defined by statute.

The Submission document at this stage comprises minor alterations – Appendix 1 - to the Proposed Submission document; copies of the Submission document itself will be circulated at the meeting.

Due to the tight timetable between the end of the period for representations to be made – March 18<sup>th</sup> – and Cabinet deadlines, a supplementary report will be circulated on March 22<sup>nd</sup>; this will include an updated Appendix 1, a list of any major issues raised that may need to be addressed later in the process, and two Statements of Consultation for approval.

Should Cabinet approve this report, the document will be considered by full Council prior to submission to the Secretary of State.

## **Recommendations**

The Mayor in consultation with Cabinet is asked to:

- 1) note that a supplementary report will be circulated on March 22nd once the full outcome of representations on the Proposed Submission draft of the Core Strategy is known;
- 2) subject to 1), approve the Submission document of the Local Development Framework Core Strategy, and supporting documents, for consideration by full Council;
- 3) note that the Mayor of London has informed the Council that the Core Strategy is not in 'general conformity' with the London Plan, as required by statute, despite concluding that on the whole the document is consistent with the London Plan;
- 4) delegate authority to the Executive Director of Regeneration, Planning and Property, in conjunction with the Lead Member, to make any further minor amendments to the documents if required; and
- 5) delegate authority to the Executive Director of Regeneration, Planning and Property to submit the Submission document and supporting documents to the Secretary of State on March 31<sup>st</sup>.

## **Reasons for the Recommendations**

- 1) The Council is required by statute to produce a Core Strategy.
- 2) As the most important document in the Local Development Framework, the Core Strategy is crucial to enabling the Council's ambitious objectives for regeneration to be met.
- 3) Enable the draft Core Strategy to be submitted to the Secretary of State for consideration.

**NAME OF LEAD OFFICER:** Clive Dutton  
**POSITION:** Executive Director, Regeneration, Planning and Property

Originator of report: Dave Whittaker  
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## **Local Government (Access to Information) Act 1985 Background papers used in preparing this report:**

Main source documents:

Report to Cabinet – Local Development Framework – Core Strategy – Proposed Submission document – 27<sup>th</sup> January 2011  
Report to Mayoral Proceedings – Local Development Framework – Planning Newham: Choices for the Core Strategy - 4<sup>th</sup> November 2010  
Core Strategy Issues and Options – LBN 2008  
Sustainable Community Strategy – LBN 2010  
Local Development Scheme – LBN 2009

Draft Local Development Scheme – LBN 2011  
Statement of Community Involvement – LBN 2006  
Evidence Base Studies:

- Newham Strategic Housing Market Assessment – LBN 2010
- Newham Affordable Housing Economic Viability Assessment – LBN 2010
- Strategic Flood Risk Assessment – LBN 2010
- Biodiversity – LBN 2010
- Town Centre and Retail – LBN 2010
- Food Mapping – LBN/PCT 2010
- Employment Land Review – LBN 2011
- Newham Character Study – LBN 2010

Forest Gate SPD – LBN 2010

Canning Town and Custom House SPD – LBN 2008

Draft Joint Waste Plan for the ELWA Boroughs – LBN, etc, 2010

Stratford Metropolitan Masterplan – LBN 2010

London Plan – Mayor of London 2008

Draft Replacement London Plan – Mayor of London 2009

Other source documents are listed in the draft Core Strategy and supporting documents.

**List of Enclosures:**

- Local Development Framework - Core Strategy Proposed Submission document
- Sustainability Appraisal and Strategic Environmental Assessment
- Equalities Impact Assessment
- Habitats Regulations Assessment
- Proposals Maps

NB - These are not attached to the report due to their size but are accessible by link at:

<http://www.newham.gov.uk/Planning/LocalDevelopmentFramework/CoreStrategy.htm>

**Appendices:**

1. Proposed Minor Alterations to the Proposed Submission Document

## Report - Part A

### 1. Introduction and Background

- 1.1 The Local Development Framework (together with the London Plan) will replace the Unitary Development Plan as the statutory development plan for the borough. Of the documents that will make up the LDF, the Core Strategy is the most important, and will outline the spatial planning framework for Newham for 15 years from the date of adoption – currently programmed for 2012. Procedures for preparing the LDF are largely dictated by legislation. On 27<sup>th</sup> January 2011 the Proposed Submission draft of the Core Strategy, and supporting documents, was approved by Cabinet for publication for a period for representations to be made, due to end on March 18<sup>th</sup>.
- 1.2 The next major stage for the Core Strategy is the Submission document, the subject of this report, requiring approval by Cabinet and full Council prior to being submitted to the Secretary of State.
- 1.3 Due to the tight timetable between the end of the period for representations – March 18<sup>th</sup> – and Cabinet deadlines, the full results of the consultation are not known at the time of writing and therefore a supplementary report will be circulated on March 22<sup>nd</sup>.
- 1.4 The Submission document cannot include any major changes, although a series of minor ones – updating, etc - are recommended to the Proposed Submission document and are attached as Appendix 1 – this will be updated if required in the supplementary report. The report will also include, for information, any major issues that have been raised during the period for representations relating to legal compliance and ‘soundness’ that may need to be addressed later in the process.
- 1.5 The Submission document is supported by the following, required by statute, for which approval is also sought:
  - Sustainability Appraisal and Strategic Environmental Appraisal
  - Equalities Impact Assessment
  - Habitats Regulations Assessment
  - Proposals Maps
- 1.6 Cabinet approved these documents on 27<sup>th</sup> January; no major changes are proposed, and any minor ones are listed in Appendix 1. They are substantial and therefore have not been attached to this report, but can be accessed at:  
  
<http://www.newham.gov.uk/Planning/LocalDevelopmentFramework/CoreStrategy.htm>
- 1.7 In addition to these documents, approval for two Statements of Consultation is required; these cannot be finalised until after March 18<sup>th</sup>, and will therefore be included in the supplementary report. Copies of the Submission version itself will be circulated at the meeting.

## **2. Key Considerations and Sustainability**

### **General**

- 2.1 The key considerations for this report will be related to the representations received on the Proposed Submission draft. The full list is not known at this stage and will be included in the supplementary report referred to above. However, important information on the London Plan issues has been included below.

### **London Plan**

- 2.2 The Core Strategy is required by statute to be 'in general conformity' with the London Plan and a letter requesting a response from the Mayor of London was sent out at the commencement of the consultation period. The Mayor of London has informed the Council he concludes that 'on the whole' the Core Strategy is consistent with the London Plan but that it is not in general conformity for only three reasons:
- a) safeguarded wharves, strategic industrial land and industrial land: the MoL considers that the proposed loss of Strategic Industrial Land at Thameside West in order to create new mixed use communities is too great, and that a safeguarded wharf would be lost.
  - b) off-site affordable housing/in lieu payments: the MoL considers that these should only be acceptable in exceptional circumstances.
  - c) waste: the MoL considers that the Core Strategy should state the Council's waste targets and safeguard all existing waste management sites; this has already been raised by the MoL through the Joint Waste Plan (JWP) for the ELWA boroughs and will be resolved at the JWP Examination in Public in April.
- 2.3 These issues will be subject to further discussion with the GLA as the Core Strategy process moves forward.

### **Consistency with Other Council Strategies**

- 2.4 As with the Proposed Submission draft, the Submission document is consistent with other Council Strategies.

## **3. Service Delivery and Performance Issues**

- 3.1 Approval of this report will assist in expediting the adoption of the Core Strategy and therefore ensuring that the Council's ambitious regeneration objectives can be met.

## **4. Comments of the Finance Officer**

- 4.1 There are no direct financial implications arising from the recommendations of this report. Funding for the Local Development Framework is included within the Regeneration, Planning and Property budget.

## **5. Comments of the Legal Officer**

- 5.1 The Core Strategy document has been prepared in accordance with the provisions of Section 19 of the Planning and Compulsory Purchase Act 2004. Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004/2204 sets out what the Council must do before the Core Strategy is submitted to the Secretary of the State.

- 5.2 The steps that have been carried out to date ensure that the procedure of bringing the Core Strategy into place is compliant with relevant legal procedures.

## **6. Risk Management**

- 6.1 The Council is seeking to prepare a high quality development plan that is appropriate, effective, based on evidence, and prepared on time. Failure to meet specified criteria could result in the plan being declared as 'unsound' by the Planning Inspectorate. To minimise the risk of this occurring, as a part of the process, standard, recommended, 'self assessment' tests to ensure that soundness and legal compliance requirements are being met will be submitted to the Secretary of State along with the other documentation.

## **7. Consultation**

### **LDF General**

- 7.1 Consultation on the LDF is a statutory requirement, and is necessary to meet the tests of 'soundness' and legal compliance on which the Core Strategy will be examined by an independent inspector. These tests require amongst other things that the LDF should reflect as much as possible the opinions of the local community, defined as those with an interest in the area, whether as a resident, technical specialist, landowner and so on.
- 7.2 Engagement in the process has and will continue to be continuous and is considered to meet or exceed the standards set out in the Council's Statement of Community Involvement (SCI) and in relevant legislation. The SCI focuses on the engagement required at prescribed points in the plan-making process. The LDF team have made best use of ongoing community forum events and corporate research for what they tell us about what people need and want, and have facilitated a series of events with technical stakeholders.
- 7.3 Details of consultation prior to the Proposed Submission document can be found in one of the two proposed Statements of Consultation, which will be circulated as a part of the supplementary report.

### **Proposed Submission Document**

- 7.4 The Proposed Submission document was published for a statutory six week period from February 4<sup>th</sup> to March 18<sup>th</sup>. This period was not one for general consultation, but limited to representations on the grounds of compliance with legal procedures and 'soundness' as defined by government.
- 7.5 The period was advertised by legal notice, through notification of stakeholders, etc, and the documents published on the Council's website and made available at libraries, etc. Details are included in one of two proposed Statements of Consultation, which will be circulated as a part of the supplementary report.

## **8. Next Steps**

- 8.1 Should the report (and supplementary report) be approved by Cabinet, and the following full Council, the Core Strategy will be submitted to the Secretary of State on March 31<sup>st</sup>. In conjunction with officers, the Planning Inspectorate will then arrange for a date for an

Examination in Public – likely to be July 2011 - to consider and resolve any outstanding representations that cannot be resolved by other means. Following the issuing of the Inspector's report, adoption by the Council is anticipated early in 2012.

## **Report - Part B**

### **1. Sustainability Impact Appraisal**

#### **1.1 Equalities/Diversity implications**

1.1.1 Delivering equality and promoting cohesion are integral to the preparation of the plan and its delivery. The Core Strategy is subject to a formal Equality Impact Assessment. At this stage the main document is supported by an EqIA, for which approval is also sought. The Core Strategy will support the Council's aims as set out in the Sustainable Community Strategy and the Strategic Regeneration Framework to raise socio-economic opportunities and living standards for Newham residents to the same as those enjoyed by residents across London.

#### **1.2 Protecting Children**

1.2.1 Not applicable

#### **1.3 Human Rights**

1.3.1 Not applicable

#### **1.4 Climate Change implications and the effect on the Carbon footprint**

1.4.1 Submission document includes a section covering Sustainability and Climate Change. The spatial planning process can make a significant contribution in this area and the document includes policies on renewable energy, energy demand, minimising waste, increasing reuse and recycling, making better use of water, minimising flood risk, increasing the attractiveness of sustainable means of transport, and increasing and enhancing green space.

1.4.2 The main document is supported by a Sustainability Appraisal and Strategic Environmental Assessment, for which approval is also sought.

#### **1.5 Crime and Disorder**

1.5.1 This is another area where planning policies can make a crucial contribution, and the Submission document includes policies that promote safety and security considerations through design and other means.

#### **1.6 Economic Impact**

1.6.1 A key objective of the Core Strategy is to capitalise on the economic regeneration opportunities that present themselves, in particular the creation of high quality jobs in growth areas, and facilitating access to these for local residents. The Core Strategy has evolved in parallel with the Council's Economic Development Strategy, approved by Cabinet in October 2010, and this will ensure a consistent approach to economic and development issues.

## **2. Comments of the Head of Procurement**

2.1 Not applicable

## **3. Staffing Implications**

3.1 Not applicable.

## **4. Comments of the Head of Property and Development**

4.1 The Core Strategy is a key element of a Local Development Framework outlining the overall objectives for new development in Newham over a fifteen year timeframe. From the viewpoint of the Council as a landowner, the LDF will be pivotal in shaping future development and redevelopment opportunities on the Council's primary and secondary education estates, housing estates, and sites identified as being surplus to operational requirements and capable of supporting development.

## **5. Consultation**

### **Submission Document**

5.1 Consultation with the Mayor and Members has been continuous throughout the LDF process. During the period for representations on the Proposed Submission draft, Member level consultation included Overview and Scrutiny Committee and all Community Lead Councillor meetings.

5.2 Overview and Scrutiny Committee is considering the current document on March 22<sup>nd</sup>; any comments will be reported verbally to Cabinet.

