

Supplementary Report Cabinet 28th March 2011 Full Council 28th March 2011

Local development Framework Core Strategy

1. Introduction and Background

- 1.1 Due to the tight timetable between the end of the period for representations on the Proposed Submission draft of the Core Strategy – March 18th – and Cabinet deadlines, the full results from this exercise were not known at the time of writing the main report and therefore a supplementary report has been prepared.
- 1.2 In relation to the main report the key additional elements of this report comprise:
- 1) An updated Appendix 1 – minor changes to the Proposed Submission Document;
 - 2) A new Appendix 2 – a summary of Representations on the Proposed Submission Document; and
 - 3) A new Statement of Consultation covering the period preceding the Proposed Submission document.
- 1.3 These are covered in more detail below.

2. Key features of the Representations

Summary

- 2.1 80 organisations and individuals submitted 448 representations in total – these could be either supporting or non-supporting, although as with all such consultation exercises, fewer supporting comments were received overall. Given the ambitious and complex agenda of a Newham Core Strategy, it is considered that the level and nature of responses reflects extremely well on the engagement process in the production of this document, as summarised in the Statement of Consultation.
- 2.2 Those sections of the document attracting the most representations were:
- Infrastructure
 - Successful Places
 - Introduction and Vision
- 2.2 The areas attracting the most representations were:
- Stratford and West Ham
 - Royal Docks
 - Urban Newham
- 2.3 Those making representations included:
- 17 local residents
 - 14 statutory consultees
 - 20 developers
 - 29 other organisations such as interest groups (e.g. Friends of the Earth, River Lea Tidal Trust).

2.4 The most significant responses of each of these groups can be broken down as follows:

Local Residents

Raised concerns regarding London City Airport impacts, the future of Queen's Market and Carpenter's Estate and provision for faith groups. However officers consider the Core Strategy policies provide a robust strategic framework to deal with these concerns, allowing for further consultation as part of Supplementary Planning Documents and other Development Plan Documents (e.g. Site Allocations). Some minor amendments have also gone some way to address their concerns (see Appendix 1).

Statutory Consultees:

(Refer to paragraph 2.6 for details of the Mayor of London's key responses)

Broad support overall, but concerns within individual respondents' areas of responsibility regarding:

- Heritage issues and issues relating to location and design of tall buildings (English Heritage). These have been dealt with as minor amendments outlined in Appendix 1.
- Contaminated land – adequate requirements to deal with (Environment Agency). These have been dealt with as minor amendments as outlined in Appendix 1.
- Some details of land use mix on strategic site land use designations. Officers consider that the Core strategy strategic sites policy and justification are sound and any major changes would be considered inconsistent (and unjustified) in relation to the strategic spatial strategy being pursued.
- Other suggestions for minor amendments, the majority of which are acceptable and have been incorporated as shown in Appendix 1.

Developers

- Generally are concerned that policies are as flexible as possible, for example relating to sustainability standards (BREEAM and Code for Sustainable Homes), location of tall buildings, out of centre development, housing mix and the proportion of affordable housing, which could affect economic viability. The Core Strategy is considered to be sufficiently flexible to allow for a range of development solutions but at its heart is an insistence on quality, some targets but viability is also referenced in policies in order to achieve deliverability.
- There are concerns over some individual strategic sites, for example some of the proposed Strategic Industrial Locations are preferred for mixed uses, and there are proposals for alternative to the mix of uses on other sites. As stated above, any major changes would be considered inconsistent (and unjustified) in relation to the strategic spatial strategy being pursued.

2.5 2 representations were received after the closing time/date and have therefore not been included in the assessment, although will be forwarded separately to the Secretary of State.

3. Assessment of the Representations

3.1 Assessment of the representations leads officers to make the following conclusions:

- 1) Overall, the Proposed Submission document is considered to be sound and legally compliant and not in need of any significant change as a result of representations received. In the vast majority of cases,
- 2) There are a number of minor changes that can be made to the document – correction of errors, matters of clarification, updating of factual information, etc, some of which have been raised by respondents during the period for representations
- 3) There is likely to be some scope for discussion with respondents, including the Mayor of London, to determine whether there are areas of common ground, prior to the Independent Examination to be held later in 2011.

These are covered in more detail below.

4. Soundness and Legal Compliance

4.1 The Proposed Submission draft was published from 4th February to 18th March. The intention of this stage of the plan, following the general consultation on ‘Choices for the Core Strategy’, is to limit comment to representations on the grounds of either legal compliance or ‘soundness’, although many general comments were received. Having assessed all the representations made in time, officers have concluded that no major changes are warranted. Appendix 2 comprises a summary of representations by Spatial and Core Policies, and other sections where relevant, reflecting the structure of the Core Strategy itself.

4.2 This conclusion has been reached because the Council’s evidence base, including the results of its extensive programme of engagement, is comprehensive and robust, and that no strong cases have been made for alternatives. Other reasons include the level of detail of representations, which may be more appropriate as minor changes, or forthcoming Supplementary Planning Documents, for example.

Minor Changes to the Proposed Submission Draft

4.3 These are divided into two categories:

- 1) those identified by officers; and
- 2) those made in response to representations received.

They are identified separately and included as Appendix 1.

Scope for discussion with Respondents – Post Submission

4.4 Following submission to the Secretary of State, officers will be liaising with the Planning Inspectorate to arrange dates for an Independent Examination – likely to be July if this report is approved. The appointed Inspector will make a decision on each of the representations received. However, prior to the IE, officers consider that there is some scope for the Council to meet with those who have made representations in order to establish any common ground that there might be and therefore effectively address any concerns on the document, although the Inspector will be the final arbiter even in these cases.

London Plan

- 4.5 The Mayor of London has informed the Council that the Core Strategy is not in general conformity with the London Plan – these are also matters of legal compliance. No additional change is proposed to the main report, but the information is repeated here due to its significance.
- 4.6 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.
- 4.7 These issues will be subject to further discussion with the GLA as the Core Strategy process moves forward. Officers are confident that these matters can be resolved prior to the Examination.

5. Statements of Consultation

- 5.1 In addition to those documents supporting the Core Strategy listed in the main report, the Council is required to submit two Statements of Consultation to the Secretary of State: one covering the period prior to the Proposed Submission document and one covering the Proposed Submission document itself. The former can be accessed at:

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

- 5.2 The second Statement will comprise the information summarised in Appendix 2 of this report, which if approved will be submitted in the appropriate format.

6. Other Supporting Documents

- 6.1 No representations have been received on supporting documents, with the exception of the Equalities Impact Assessment. These are covered in Appendix 2. All supporting documents can be accessed at:

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