

Core Strategy - Legal Compliance

This document demonstrates that the Council has complied with all the legal requirements necessary to prepare and adopt its Core Strategy. Details are given in the table below, which is divided into 4 sections:

Stage 1 - Inception and pre-consultation - this covers the development of the LDF Evidence Base, the preparation of the Core Strategy 'Issues and Options Stage' in 2008, and the 'Choices Stage' in 2010.

Stage 2 - Plan formulation - this covers the preparation of the Proposed Submission Draft in late 2010 and early 2011.

Stage 3 - Plan publication - the proposed submission draft was published for representations in February 2011.

Stage 4 - Submission - this took place in 31st March 2011.

The column on the left in the table lists the relevant requirements and the column on the right provides evidence that these requirements were met. In most cases, the column on the right includes details of any relevant documents. The relevant documents are listed at the end of this Soundness Tool, together with details of how they can be accessed. For the convenience of the Inspector, where possible electronic copies of documents have been included - although these do not form part of the formal submission. All the documents referred to will be included in the Examination Evidence Base Library.

Stage 1 - Inception and pre-consultation

Ref	Activity	Evidence
1.1	Was the development plan document identified in the adopted local development scheme and did you record the timetable for its production?	<p>Yes. The Council's adopted its first Local Development Scheme in 2005, but this has been amended and updated on a number of occasions. The relevant version of the document has been on the Council's website throughout the process of preparing the Core Strategy. The latest version of the LDS was agreed in principle by Newham Council in February 2011 and has been agreed by the Mayor of London. It is due to formally come into operation on the 8th April 2011. The timetable for the Core Strategy is shown on pages 18 and 23.</p> <p>Local Development Scheme 2011 Information on Newham's Local Development Schemes</p>
1.2	Did you consider how community engagement would be programmed into the preparation of the development plan document?	<p>Yes. This was embedded within the Council's Statement of Community Involvement which was adopted in July 2006. In accordance within the SCI and the relevant legislation, public consultation took place in February/March 2008 to consider Issues and Options for the Core Strategy. However as a result of changes introduced in the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, the Council revised its Local Development Scheme so that additional non-statutory consultation, 'Choices for the Core Strategy' should be carried out. This was to ensure that the public had the opportunity to consider all relevant issues (including possible strategic development sites) prior to the preparation of the submission DPD. Details of the actual consultations carried out are set out in the Council's Consultation Statement.</p> <p>Statement of Community Involvement Regulation 30(d) Consultation Statement Local Development Schemes 2007 and 2009</p>
1.3	Did you consider the appropriate bodies you should consult?	<p>Yes</p> <p>Statement of Community Involvement LDF Consultation Database</p>
1.4	Was baseline information collected and evidence gathered to keep the matters which affect the development of the area under review?	<p>Yes. Work began on the Core Strategy in 2005 and this included research into a number of key subject areas, leading to the publication of eight LDF Background Papers in February 2006. These supplemented other research and information work already being carried out throughout the Council - such as the census and other demographic analysis published in the Council's 2007 'Focus on Newham'.</p>

		<p>As work progressed on the Core Strategy, areas for additional research were identified. This led to the commissioning of a number of additional research studies, which now collectively make up the Council's evidence base.</p> <p>List of Evidence Base Studies and other relevant research publications.</p>
1.5	Was baseline information collected and evidence gathered to set the framework for the sustainability appraisal?	Yes. See 1.4 above
1.6	Did you consult the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Yes Correspondence Folder
1.7	Did you notify the specific consultation bodies that have an interest in the subject of the development plan document and invite them to make representations about its contents?	Yes Correspondence Folder
1.8	Did you notify the general consultation bodies that you considered have an interest in the subject of the development plan document and invited them to make representations about its contents?	Yes Correspondence Folder
1.9	Did you invite representations from people resident or carrying out business in your area about the content of the development plan document?	Yes. This took place at the Issues and Options Stage Regulation 30(d) Consultation Statement
1.10	Did you engage with stakeholders responsible for delivery of the strategy?	Yes. In addition to the general opportunities for engagement provided at stages 1.6-1.9 above, the Council held a stakeholders event specifically targeted at those who would have some responsibility for plan implementation. This took place at Stratford Town Hall in February 2010 Details of Stakeholder Event
1.11	Did you take into account representations made?	Yes Regulation 30(d) Consultation Statement
1.12	Did the consultation contribute to the development and sustainability appraisal of alternatives?	Yes - responses received to the Scoping report are detailed in the SA which was published at the Choices Consultation stage. All comments are available for Inspection in the Council's Engagement Log
1.13	<p>Did the participation:</p> <ul style="list-style-type: none"> follow the principles set out in your statement of community involvement, integrating involvement with the sustainable community strategy proportionate to the scale of issues involved in the development plan document? 	<p>1) Yes - however as described in 1.1 above an additional 'Choices' consultation took place that was not covered by the SCI. This arose from changes in the LDF procedures and the related decision to include Strategic Sites within the Core Strategy. Efforts were made throughout the plan making process to ensure that the CS and SCS were aligned - this included a separate and</p>

		<p>dedicated consultation on developing a spatial vision applicable to both documents. Both the SCS and the CS make use of corporate research including the Newham Annual Residents Survey, the Newham Household Panel Survey and the Newham Place and Liveability Surveys.</p> <p>2) Yes. The Council was aware of the need to avoid consultation fatigue whilst at the same time realising that the socio-economic characteristics of Newham make it difficult to engage with all sectors of the population. Efforts were made to engage with young people, hard to reach groups, and the public generally (for example through regular attendance at the Newham Show). All relevant consultations carried out by other agencies were also noted. Also in terms of proportionality, the Choices consultation stage was focussed on people/agencies with a particular interest in Strategic Sites.</p> <p>Regulation 30(d) Consultation Statement Corporate Surveys Developing the Spatial Vision Newham Show 2009</p>
1.14	<p>Did you keep a record of:</p> <ul style="list-style-type: none"> the individuals or bodies invited to make representations how this was done the main issues raised? 	<p>Yes. All consultations were fed into a central consultation log maintained on the departmental shared drive. All officers were responsible for inputting consultation data and making use of the results.</p> <p>Engagement Log</p>
1.15	<p>Did you develop a framework for monitoring the effects of the development plan document?</p>	<p>Yes. Monitoring indicators were developed in parallel with policy formulation and the related sustainability appraisal. For further information see Appendix 4 of the Core Strategy Submission document The monitoring indicators will continue to be reported in our Annual Monitoring Reports.</p>
1.16	<p>Have you sent copies of documents used in consultation to the Planning Inspectorate?</p>	<p>These were sent to the Inspectorate at the Submission Stage.</p> <p>Submission Documents Previous stages</p>

Stage 2 - Plan formulation

Ref	Activity	Evidence
2.1	<p>Are you preparing reasonable alternatives for evaluation during the preparation of the development plan document?</p>	<p>As noted above the Council prepared a Choices Document that highlighted those aspects of policy formulation where the Council felt that realistic choices were available. This stage of the process strongly informed the preparation of the Submission Draft</p> <p>Choices Document</p>

2.2	<p>Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy • general conformity with the regional spatial strategy? 	<p>Liaison with the Government Office took place prior to its abolition. Council officers had regard to Planning Policy Guidance, and the Council is not aware of any instances where the Core Strategy conflicts with national policy.</p> <p>See 2.3 below for conformity with Regional Strategies.</p>
2.3	<p>Are you having regard to:</p> <ul style="list-style-type: none"> • the spatial development strategy for London • adjoining regional spatial strategies 	<p>Regard was had for the London Plan throughout the process (both the current London Plan and the emerging plan). The Core Strategy was checked against all London Plan policies throughout the process. Issues raised by GLA officers have been addressed - although some issues remain, such as the scale of industrial land release in the borough. As required by statute (and described later in this checklist) the Council has sought the Mayor of London's opinion as to the conformity of the Core Strategy with the London Plan. See section 3.8 for further information.</p> <p>Issues concerning the relationships between London and its adjoining regions are covered in the London Plan. Regard has also been had to Newham's location within the Thames Gateway and the London-Stansted-Cambridge Growth Corridor.</p>
2.4	<p>Are you having regard to:</p> <ul style="list-style-type: none"> • the sustainable community strategy of the authority or other authorities whose area comprises part of the area of the council • any other local development documents adopted by the council? 	<p>SCS - Yes, this has been considered at all stages of the process. A summary of the relationship between the Core Strategy and Newham's SCS is included in the Proposed Core Strategy (pages 13-17).</p> <p>Other LDDs. The only relevant document is the Joint Waste Plan for East London, to which regard has been had (See Policy INF3 in the Proposed Core Strategy)</p>
2.5	<p>Do you have regard to other matters and strategies relating to:</p> <ul style="list-style-type: none"> • resources • the regional development agencies' regional economic strategy • the local transport plan and transport facilities and services • waste strategies • hazardous substances and accidents? 	<p><u>Resources</u></p> <p>The plan has been prepared during worsening economic conditions. This has delayed the delivery of some housing and transport projects, and this has been taken into account in the drafting of the plan, particularly phasing. Viability issues for affordable housing and S106/CIL have also been considered. The Council is aware of that difficult economic conditions require a flexible and proactive approach in order to attract investment, whilst providing a clear vision within its spatial strategy. Issues relating to the implementation of Core Strategy policies are set out in Appendix 4 of the document. In addition,</p>

		<p>details regarding the provision of the infrastructure needed to support housing and economic growth is given in Appendix 3 (Infrastructure Delivery Plan)</p> <p><u>Economic Strategy</u> The Council has had regard to the Mayor of London's economic strategy [Name/Date]. Economic development is a key issue for the Council, and the Core Strategy was prepared in tandem with the Council's own Economic Development Strategy 2010</p> <p><u>Transport</u> The Council has had regard to the Mayor of London's Transport Strategy and the Council's Local Implementation Plan. The latter has just been revised, and will be formally adopted on 14th April 2011</p> <p><u>Waste</u> Planning policies for waste in the Core Strategy reference those in the Joint Waste DPD for East London. This in turn was based on the London Plan and on the following documents:</p> <ul style="list-style-type: none"> • Securing the Future: the UK Government Sustainable Development Strategy (March 2005) • The Waste Strategy for England 2007 • Planning Policy Statement 10: Planning for Sustainable Waste Management <p><u>Hazardous substances and accidents</u> The Council has had regard to:</p> <ul style="list-style-type: none"> • Planning (Hazardous Substances) Regulations 1992 • Circular 04/00 'Planning controls for hazardous substances' • Directive 96/82/EC, known as the Seveso Directive, on the control of major-accident hazards. <p>The Core Strategy contains a general policy relating to Healthy Neighbourhoods (SP2). Further detail will be included in The Development Management Policy Manual, if required.</p>
2.6	Are you having regard to the need to include policies on mitigating and adapting to climate change?	Yes - see Policy SC1 in the Core Strategy
2.7	Have you undertaken the necessary sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	Yes - see Sustainability Appraisal Report

2.8	Are you setting out clear reasons for any preferences between alternatives?	Yes - reasoned justifications for each policy are incorporated within the Core Strategy . These take into account public consultation and the findings of the Council's evidence base studies. The Sustainability Appraisal of Core Strategy also sets out all the alternative options that we considered including those raised by representations. Regulation 30(d) Consultation Statement Evidence Base Studies
2.9	Have you taken into account any representations made on the content of the development plan document and the sustainability appraisal, and are you keeping a record?	Yes. See: Regulation 30(d) and 30(e) Consultation Statements Sustainability Appraisal Report Yes - responses received to the Scoping report are detailed in the SA which was published at the Choices Consultation stage. Only a few comments were received at the Choices stage and these were considered during the preparation of the Proposed Core Strategy. All comments are available for inspection in the Council's Engagement Log
2.10	Where sites are to be identified or areas for the application of policy in the development plan document, are you preparing sufficient illustrative material to: <ul style="list-style-type: none"> • enable you to amend the currently adopted proposals map • inform the community about the location of proposals? • 	Yes - Changes to the Proposals Map were submitted for examination concurrently with the Core Strategy and were subject to public consultation at the Proposed Submission stage. GIS polygons are available for all sites identified.
2.11	Are the participation arrangements compliant with the statement of community involvement?	Yes, the Core Strategy Consultation Statement provide details on the participation arrangements that were carried out in accordance with the principles set out in our SCI. Statement of Community Involvement
2.12	Have you remained in close contact with the Government Office and discussed any emerging issues that might affect the soundness of the development plan document?	Yes - prior to the abolition of GoL in 2010.

Stage 3 - Plan publication

Ref	Activity	Evidence
3.1	Have you prepared the sustainability appraisal report?	Yes - see Sustainability Appraisal Report
3.2	Have you made clear where and within what period representations must be made?	Yes - see Statement of the Representations Procedure

3.3	Have you made copies of the following available for inspection: <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 	Yes - see www.newham.gov.uk for details of where documents can be inspected.
3.4	Have you published on your website the following: <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? statement and details of where and when documents can be inspected? 	Yes - www.newham.gov.uk
3.5	Have you sent to each of the specific consultation bodies invited to make representations under Regulation 25(1): <ul style="list-style-type: none"> a copy of each of the proposed submission documents the statement of the representations procedure? 	Yes - see Correspondence Folder
3.6	Have you sent to each of the general consultation bodies invited to make representations under Regulation 25(1): <ul style="list-style-type: none"> the statement of the representations procedure? where and when the documents can be inspected? 	Yes - see Correspondence Folder
3.7	Have you given notice by local advertisement setting out: <ul style="list-style-type: none"> the statement of the representations procedure where and when the documents can be inspected? 	Yes - Notice was published in the Newham Recorder on 2 nd February 2011. See Scan of Advertisement in Correspondence Folder attached
3.8	Have you requested the opinion of the Mayor in London on the general conformity of the development plan document with the spatial development strategy?	Yes - see Letter to London Mayor (4/2/11)

Stage 4 - Submission

Ref	Activity	Evidence
4.1	Are you ready to submit the DPD?	Yes
4.2	Are there any major issues revealed by the representations on publication?	Yes - key issues raised in the representations are set out in a report to Newham's Cabinet and Council , both held on 28 th March 2011.
4.3	Are all the relevant documents in place?	Yes
4.4	Has the development plan document been prepared in accordance with the local development scheme?	Yes (LDS Folder)
4.5	Does the development plan document's listing and description in the local development scheme match the document?	Yes (LDS Folder)
4.6	Have the timescales set out in the local development scheme been met?	Yes (LDS Folder)

4.7	Has the development plan document had regard to any sustainable community strategy for its area?	Yes - see answer to question 2.4
4.8	Is the development plan document in compliance with the statement of community involvement?	Yes - see Statement of Community Involvement
4.9	Has the council carried out consultation as described in the statement of community involvement?	Yes - see Statement of Community Involvement
4.10	Has the development plan document been subject to sustainability appraisal?	Yes - see Sustainability Appraisal
4.11	Has the council provided a final report of the findings of the appraisal?	Yes - see Sustainability Appraisal
4.12	Is the development plan document to be submitted consistent with national policy?	Yes - the Council has reviewed national policy and believes that the document is consistent with present government policy. No representations have been received that suggest the contrary.
4.13	Does the development plan document contain any policies or proposals that are not in general conformity with the spatial development strategy?	Yes - the Mayor of London has informed the Council (Letter 17-03-11) that he believes that the Core Strategy is not in conformity with the London Plan on three grounds: <ul style="list-style-type: none"> • Safeguarded wharves, strategic industrial land and industrial land, • Off-site affordable housing or in lieu payments, • Waste.
4.14	If yes, is there local justification?	Yes - see Report to Cabinet and Council 28 th March 2011
4.15	Has the council got confirmation from the Mayor of London about the general conformity of the plan with the spatial development strategy?	See above
4.16	Does the development plan document comply with the 2004 regulations (as amended)?	Yes
4.17	Specifically, has the council published the prescribed documents, and made them available at their principal offices and their website?	Yes
4.18	Has the council placed local advertisements?	Yes - See Correspondence Folder
4.19	Has the council notified the development plan document bodies?	Yes - See Correspondence Folder
4.20	Does the development plan document contain a list of superseded saved policies?	Yes - Appendix 2 of Submission Draft
4.21	Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted proposals map?	Yes - see Submission Documents
4.22	If yes, have you prepared a submission proposals map?	Yes - See Submission Documents

4.23	If the development plan document is not a core strategy, is it in conformity with the core strategy?	N/a
4.24	Have you prepared a statement setting out: <ul style="list-style-type: none"> • which bodies and persons were invited to make representations under Regulation 25 • how they were invited • a summary of the main issues raised • how the representations have been taken into account? 	Yes - Section 30 (d) Consultation Statement
4.25	Have you prepared <ul style="list-style-type: none"> • a statement giving the number of representations made under Regulation 28(2) • a summary of the main issues raised? 	Yes - Section 30 (e) Consultation Statement
4.26	Have you collected together all the representations made under Regulation 28?	Yes - see Submission Documents
4.27	Have you assembled the relevant supporting documents?	Yes - see Submission Documents
4.28	Has your council approved the development plan document for submission?	Yes - see Report to Cabinet
4.29	Have you sent the Secretary of State (the Planning Inspectorate) a paper copy of the following: <ul style="list-style-type: none"> • the development plan document? • the submission proposals map (unless there are no site allocation policies)? • the documents prescribed in Regulation 30(1)? 	Yes
4.30	Have you sent the Secretary of State (the Planning Inspectorate) an electronic copy of <ul style="list-style-type: none"> • the development plan document? • submission proposals map (unless there are no site allocation policies)? • documents prescribed in Regulation 30(1)? 	Yes
4.31	Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> • the development plan document? • the documents prescribed in Regulation 30(1)? 	Yes
4.32	On your website, have you published the: <ul style="list-style-type: none"> • development plan document • submission proposals map • sustainability appraisal report • Regulation 30(1)(d) statement • Regulation 30(1)(e) statement • supporting documents (where practicable) • representations made under Regulation 28 (where practicable) 	Yes - www.newham.gov.uk

	<ul style="list-style-type: none"> statement as to where and when the development plan document and the documents are available? 	
4.33	<p>For each specific consultation body invited to make representations under Regulation 25(1), have you sent the:</p> <ul style="list-style-type: none"> development plan document submission proposals map sustainability appraisal report adopted statement of community involvement Regulation 30(1)(d) statement Regulation 30(1)(e) statement supporting documents you consider relevant to each body statement as to where and when the development plan document and the documents are available? 	Yes - see Correspondence Folder
4.34	<p>For each general consultation body invited to make representations under Regulation 25(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 30(1) are available for inspection where and when they can be inspected? 	Yes - see Correspondence Folder
4.35	<p>Have you given notice by local advertisement setting out:</p> <ul style="list-style-type: none"> the title of the development plan document? the subject and area covered by the development plan document? notification that the documents prescribed in Regulation 30(1) are available for inspection where and when they can be inspected? 	Yes - see Correspondence Folder
4.36	Have you given notice to persons who have requested to be notified that submission has taken place?	Yes - all those on LDF database are informed
4.37	<p>If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> published the time and place of the examination and the name of the person appointed to carry out the examination on your website notified those who have made representations on the published development plan document which have not been withdrawn of these details advertised these details? 	Awaiting date of examination

Legal Compliance and Soundness Self Assessment - Document List

Submission Documents

Core Strategy Submission Draft	<p>Please see submitted documents. Alternatively all of these documents can be accessed or downloaded from the Newham Council website.</p>
Sustainability Appraisal	
Submission Proposals Map	
Statement of Community Involvement	
Amendment to SCI	
Section 30 (d) Consultation Statement	
Section 30 (e) Details of representations received	
Copies of representations made	
Legal Compliance Checklist (This document)	
Test of Soundness Self Assessment	
Equalities and the LDF (EqIA)	
Habitat Regulations Assessment	
PPS 25 Sequential Test	
Schedule of minor changes to Submission Draft identified by LBN officers	
Schedule of minor changes to Submission Draft made in response to representations	
Cabinet and Council Report and copy of minutes (28/3/2011)	

www.newham.gov.uk/Planning/LocalDevelopmentFramework/CoreStrategy.htm

Previous Core Strategy Documents

Issues and Options for the Core Strategy
Choices for the Core Strategy

www.newham.gov.uk/Planning/LocalDevelopmentFramework/EarlierStagesoftheCoreStrategy.htm

Legal Compliance and Soundness Folders

Folder 1	Local Development Schemes	Examination Library LCS 1
Folder 2	Evidence Base	Examination Library LCS 2
Folder 3	Engagement	Examination Library LCS 3
Folder 4	Related Strategies	Examination Library LCS 4
Folder 5	Correspondence	Examination Library LCS 5
Folder 6	Annual Monitoring Reports	Examination Library LCS 6
Folder 7	London Plan	Examination Library LCS 7
Folder 8	Other	Examination Library LCS 8