1.1 Legal Requirements: Does the Newham Local Plan Review (hereafter referred to as the Plan) meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; the London Plan and Local Development Regulations, 2012)?

Local Plans must comply with the 2004 Planning and Compulsory Purchase Act (as amended) and 2012 Town and Country Planning (Local Planning) (England) Regulations, as well as any requirements these documents specify. Those other legal requirements include compliance with the published Local Development Scheme (LDS) and Statement of Community Involvement (SCI); the carrying out of Sustainability Appraisal (SA) and Habitat Regulations Assessment (HRA); and compliance with the Public Sector Equality Duty. The Plan must also demonstrate compliance with national policy and conformity with the London Plan.

Compliance with national policy is addressed throughout these statements as queried by the Inspector, the handling of HRA will be addressed via a later submission given the recent implications of CJEU judgement C-323/17 (explained to the Inspector by email dated 30/05/2018), all other legal requirements are addressed below.

Local Development Scheme

The Plan has been delivered to an agreed programme as set out under the Local Development Scheme ('LDS’) that has been updated regularly (Sept 2016, Nov 2017), in line with the requirements of the 2004 Act (as amended). The current LDS was approved by councillors at the Cabinet meeting on 22 November 2017 and is available online on the Council’s website, and reflected delays on the 2016 programme due to delays in GLA London Plan evidence base production with which alignment was needed. The Council, through agreement at Full Council Meeting on 26th February 2018 to proceed to submission of the Plan to the Secretary of State, is satisfied that the Plan is consistent in scope and content with the details set out in the LDS.

Statement of Community Involvement and relevant regulations

The Statement of Community Involvement ('SCI') was adopted in July 2015 (as per 2012 Regulations) and the Council consider it up-to-date; it is available online on the Council’s website. As set out under the SCI, consultation on the Plan has consisted of both formal/statutory and continuous, informal engagement. The Plan has been formally consulted on at two stages. The Statement of Consultation (SD07) submitted with the Plan, sets out how the Plan has complied with Reg.22 and Reg.35 of the 2012 Regulations; it incorporates and builds on the Consultation Statement that was published following Reg.18 consultation on the Plan. The Consultation Statement details how the Council has met the requirements for statutory consultees, general consultation bodies, the Public and business community to be consulted on the

1 https://www.newham.gov.uk/Pages/Services/Planning-policy.aspx
scope and content of the Local Plan Review (Reg.18), and the soundness of the Proposed Submission Draft Local Plan (Reg.19/20); it also details how the comments received have been taken into account in the preparation of the Plan.

**Required Plan form and content**

The Plan’s form and content comply with Reg.8/9 of the 2012 Regulations. The policies are clearly set out and accompanied by appropriately detailed mapping and reasoned justifications split into ‘justification’ and ‘implementation’ sections. The introduction page ‘Reading the Document’ section explains the correlation between the Plan and adopted DPDs (The Core Strategy 202 and the Detailed Sites and Policies DPD 2016), in terms of parts of policies which are to be retained and parts of policies that are to be superseded. This will be updated to reflect the final document format upon adoption.

**Sustainability Appraisal**

The Plan has been subject to an iterative Integrated Impact Assessment (IIA) incorporating the requirements for Sustainability Appraisal as set out in Section 19(5) of the 2004 Act. The table below lists the IIA iterations. The Council is satisfied that the Plan has been subject to adequate Sustainability Appraisal; for further detail refer to the Council’s statement on Matter 2.1 and Matter 2.2.

<table>
<thead>
<tr>
<th>IIA stage</th>
<th>Consultation Dates</th>
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<tr>
<td>IIA Scoping Report</td>
<td>31st October 2016 to 5th December 2016</td>
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<td>Reg.19 Pre-submission IIA</td>
<td>28th November 2017 to 16th January 2018</td>
<td>IIA</td>
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**Public Sector Equality Duty**

All iterations of the IIA have been accompanied by an Equalities Impact Assessment (Appendix 5), setting out how the Plan addresses the Council’s duty under the Equalities Act 2010.

**General conformity with the London Plan**

As per representations received from the Mayor of London at Pre-submission consultation stage (Representation reference 20), the Plan is considered in general conformity with the London Plan (2016) under section 24(4)(b) of the 2004 Act (as amended), subject to minor amendments (SIL alignment, which has since been addressed through two SoCGs – see Council’s statement on Matter 12.2; and green space/MOL). 2 statements of Common Ground (SOCG1 & SOCG2) resolve the SIL matters, the greenspace/MOL matter remains a point for discussion as it relates to wider infrastructure issues (see Matters 7.3i, 7.2i). A more detailed consideration forms the Council’s statement on Matter 1.2.
1.2 Scope of the Plan: Does the scope of the Plan accord with the strategy, objectives and policies of the London Plan? What account, if any, should the Plan give to the emerging Draft London Plan, especially in view of the Mayor of London’s comments that any policies that diverge from the Draft London Plan will become out-of-date as the Draft London Plan gains more weight as it moves towards publication?

**The London Plan 2016**

The Mayor of London’s response at Reg.19 consultation stage has confirmed that the Plan overall accords with the strategy, objectives and policies of the London Plan. Key areas of alignment between the Plan and the London Plan (2016) include:

- Protection for Strategic Industrial Land;
- Adopting a ‘town centres first’ approach to the consideration of town centre uses, and protection for the vitality and viability of town centres and their network;
- Enabling delivery of a variety of homes, with an ambitious housing target reflective of local opportunities, needs and constraints;
- Promoting culture, tourism and the night time economy;
- Promoting high quality design and neighbourly development;
- Promoting sustainable transport

The tables at the end of this statement summarise how the Local Plan’s Objectives (p.10) complements the London Plan’s (2016) Objectives, which form the basis of the policies.

**The Draft London Plan**

It is a noted risk with any plan that it becomes out of date due to changes in context post adoption, which policy flexibility (as discussed under Matter 11) can only accommodate so far, particularly in relation to higher level policy. Notwithstanding this, one of the means to manage this risk is to ‘horizon-scan’ to anticipate certain changes to the policy context, and work collaboratively to attend to its implications locally. Being cognisant of the timetable for London Plan preparation, the Duty to Co-operate Statement sets out the extensive collaboration with the GLA during the preparation of the Local Plan Review document and its evidence base, and the resultant alignment it brings. Indeed, the Council considers that there is a degree of continuity between the adopted and the emerging London Plan and that the Plan is very much in line with the overall strategy of the Draft London Plan – see Appendix 1 at the end of the statement, setting out compatibility of objectives. In relation to changes in direction, a number of principles (e.g. ‘good growth’, ‘agent of change’, ‘managed intensification’) are also being pioneered in the local context by the Newham Local Plan Review.

The main area of divergence concerns the housing target, specifically the small sites component (for the Council is in agreement with the identified large site capacity). This is something many Councils across London are objecting to due to its un-deliverability, and the non-collaborative manner in which was suddenly introduced late in the process when the work prior to that point had indicated a much lower target was likely. Other key matters of divergence include the...
applicability of the Mayor’s approach to affordable housing (unit basis) and family housing. These are dealt with in other matters, notably

It is a statement of accepted practice (as re-iterated in the draft NPPF para 49) that a plan gains more weight as it proceeds through the preparation process, only gaining full weight on adoption, (or in the London Plan’s case ‘publication’) and with draft policies being subject less weight if there are outstanding objections to them, particularly where these are numerous. The Council submits therefore that whilst the statement is correct, it is not yet clear which policies will diverge in their final form, assuming that the consultation process has been genuine and subsequent amendments are made. Moreover, it is noted that in some cases the Draft London Plan gives flexibility for instance, where the locally divergent policy can be shown to yield better results (e.g. more affordable housing). Furthermore, whilst the London Plan housing target is an increase on the one presented in the Newham Local Plan Review, it follows a similar direction of travel (upwards); and the Plan’s target is presented as a minimum, so further housing capacity is not thereby precluded from coming forward.

The Housing section of the Options Appraisal (SD06) and housing hearing statements sets out in more detail the Council’s position on related matters emerging from the Draft London Plan.
1.3 Has the Council fulfilled its duty under Section 33A of the Act, so as to maximise the effectiveness of the plan making process when planning for strategic matters that cross administrative boundaries?

(i) Has the Council worked collaboratively with other authorities and organisations during plan preparation on strategic planning matters that cross administrative boundaries? [A critical factor is that the duty to co-operate (DtC) is incapable of modification at the Examination stage]

(ii) Has the Council worked or liaised with the relevant bodies set out in the National Planning Practice Guidance (NPPG)?

These questions are taken together. The submitted Duty to Co-operate Statement (SD08) sets out detail of the way the Council has fulfilled its duty under Section 33A of the Act, working collaboratively with seven neighbouring Local Planning Authorities (LPAs) and relevant duty to co-operate (DtC) bodies as set out by part 2 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

All neighbouring LPAs have confirmed their satisfaction with LBN’s handling of the duty to co-operate and resultant outcomes (notably none have submitted representations raising issue with any strategic matters that cross administrative boundaries. Full detail of the co-operation between LBN and neighbouring authorities is set out in section 5 of SD08. A notable example of cross-boundary working is LBN’s collaboration with the London Borough of Tower Hamlets on the Lea River Park vision. Joint working has allowed both authorities to align references to this strategically important idea in respective Local Plans in the hope that co-ordinated working can better deliver a significant new chain of open spaces for East London.

In addition, LBN has worked with the prescribed bodies in a similarly constructive manner, details of which were captured in sections 3, 4 and 5 of the Duty to Co-operate Statement. As the duty does not end with plan-drafting and implementation is key, the Council notes that since the drafting of that statement there has been further ongoing work, for example under the auspices of the sub-regional grouping ‘Local London’ which is exploring digital infrastructure delivery and development of a local skills-strategy; similarly, recent collaboration between LBN and Natural England in light of HRA case law has led to plan amendments to signpost a forthcoming ‘strategic solution’ in regards the vulnerability of the Epping Forest SAC. Of the nine relevant DtC bodies (the Environment Agency, Historic England, Natural England, the Mayor of London, Civil Aviation Authority, Clinical Commissioning Group, Transport for London, Marine Management Organisation and London Enterprise Panel) seven commented at Reg.19 stage with six of these making comments that have been addressed through further work (Environment Agency, Natural England, Historic England, the Mayor of London, Transport for London and the Marine Management Organisation) and five of these expressed explicit support for
elements of drafted policies. The Council notes that none of the prescribed bodies have queried LBN’s handling of consultation or co-operation processes.

(ii cont.) How has the Council also co-operated with the relevant Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs)?

As per paragraph 4.11 of the Duty to Co-operate statement, the London Economic Action Partnership (LEAP, London’s LEP) do not respond to borough-level consultation on Local Plan documents given the GLA’s existing strategic role which is exercised through liaison with the Mayor’s office (e.g. via formal representations from the London Plan team or through ongoing meetings etc. as detailed elsewhere within SD08). LEAP further confirmed (10/08/2017) during IDP consultation, which runs year round, that if a further formal consultation response was not received by the Council, it would be acceptable to confirm co-operation between the Council and LEAP.

No local nature partnership (LNP) is active in London as per confirmation by Peter Massini of the GLA (their Principal Policy & Programme Officer for Urban Greening and the LNP contact listed by the DEFRA website. Instead, and similar to the handling of the LEP described above, any necessary steers would be provided through wider GLA liaison, with other environmental stakeholders playing their own part (note that, inter alia, the Environment Agency, Natural England, the Marine Management Organisation Woodland Trust, Royal Society for the Protection of Birds and Wild London are all on the Council’s Local Plan consultation database and have been consulted throughout the process of plan review).

(iii) What particular outcomes can the Council point to in relation to DtC?

While any absence of identifiable outcomes does not necessarily denote a lack of co-operation (i.e. if the handling of strategic issues has not altered significantly between iterations of the Local Plan, or if front-loaded research meant there were few instances where alignment was needed), specific outcomes of the duty to co-operate process are detailed in section 6 of SD08. Key examples include:

- An agreed large site housing capacity figure helping with the apportionment of Pan-London housing need (with the GLA, and by default, other London boroughs without strategic housing capacity)
- A joint demand-side evidence base with the GLA relating to employment land, and agreed position on SIL release quantum
- An agreed approach to wharf consolidation with the GLA and PLA, and DLR depot expansion with TfL
- Ongoing joint working on realising the cross-boundary connections and parkland in the Lower Lea Valley (Lea River Park) including a jointly funded project manager post (LBN, LB Tower Hamlets, plus LLDC and GLA)
- An agreed continuation of the management of Stratford town centre given it falls part in LBN and part in the LLDC
- Joint infrastructure/investment planning under the auspices of the joint GLA-LBN Royal Docks team (ongoing)
Matter 1.1 - Appendix 1

The four Objectives of the Draft Local Plan are set out at pg.10 and are not reproduced here. For the purpose of this exercise, the code LPR-O# is used, where # is the number of the objective as set out in the Plan.

London Plan (2016) Objectives:

Objective 1 (LP-O1): A city that meets the challenges of economic and population growth in ways that ensure a sustainable, good and improving quality of life and sufficient high quality homes and neighbourhoods for all Londoners and help tackle the huge issue of deprivation and inequality among Londoners, including inequality in health outcomes.

Objective 2 (LP-O2): An internationally competitive and successful city with a strong and diverse economy and an entrepreneurial spirit that benefit all Londoners and all parts of London; a city which is at the leading edge of innovation and research and which is comfortable with – and makes the most of – its rich heritage and cultural resources.

Objective 3 (LP-O3): A city of diverse, strong, secure and accessible neighbourhoods to which Londoners feel attached, which provide all of its residents, workers, visitors and students – whatever their origin, background, age or status – with opportunities to realise and express their potential and a high quality environment for individuals to enjoy, live together and thrive.

Objective 4 (LP-O4): A city that delights the senses and takes care over its buildings and streets, having the best of modern architecture while also making the most of London’s built heritage, and which makes the most of and extends its wealth of open and green spaces, natural environments and waterways, realising their potential for improving Londoners’ health, welfare and development.

Objective 5 (LP-O5): A city that becomes a world leader in improving the environment locally and globally, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively.

Objective 6 (LP-O6): A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities with an efficient and effective transport system which actively encourages more walking and cycling, makes better use of the Thames and supports delivery of all the objectives of this Plan.

Draft New London Plan Objectives (as set out through the Good Growth policies):

Objective 1 (GG1): To build on the tradition of openness, diversity and equality, and help deliver strong and inclusive communities.

Objective 2 (GG2): To create high-density, mixed-use places that make the best use of land.

Objective 3 (GG3): To improve Londoners’ health and reduce health inequalities.
Objective 4 (GG4): To create a housing market that works better for all Londoners.

Objective 5 (GG5): To conserve and enhance London’s global economic competitiveness and ensure that economic success is shared amongst all Londoners.

Objective 6 (GG6): To help London become a more efficient and resilient city.