

MAYOR & CABINET		
Report Title	Local Development Framework: Revised Local Development Scheme (Version 4)	
Key Decision	Yes	Item No. 8
Wards	All	
Contributors	Executive Director for Regeneration (Head of Planning) and Head of Law	
Class	Part 1	Date: 13 February 2008

1. Summary

- 1.1 The Planning and Compulsory Purchase Act 2004 requires the Council to revise its Local Development Scheme (LDS) each time new documents are proposed or the timetable for existing production is revised and to submit the revised LDS to the Secretary of State for approval. This report sets out the details of the revised LDS (Version 4). The documents listed in the LDS form the Local Development Framework for Lewisham.

2. Purpose

- 2.1 To seek approval to submit a revised (version 4) Local Development Scheme to the Government Office for London on behalf of the Secretary of State for Communities and Local Government.

3. Policy Context

- 3.1 The Local Development Framework (LDF) is part of the Council's policy framework as set out in the Constitution. The Council's policy framework currently includes the Unitary Development Plan and this will be replaced by the new documents listed in the Local Development Scheme (LDS).

4. Recommendations

The Mayor and Cabinet is recommended to;

- 4.1 Approve the revised content and timetable of the LDS at Appendix 1 and agree that it be submitted to the Government Office for London for assessment and approval by the Secretary of State.
- 4.2 Following the statutory consultation period with the Secretary of State, to recommend to Full Council the adoption of the revised Local Development Scheme and its placement on the Lewisham website.

5. Background

- 5.1 The Planning and Compulsory Purchase Act 2004 (the Act) has resulted in substantial changes to the planning system in England. The key outcome of the changes is that the Local Development Framework (or LDF) will eventually replace the Unitary Development Plan.
- 5.2 The LDF is a portfolio of planning documents prepared by the Council, which collectively will deliver the planning strategy for Lewisham. It will contain:
- Development Plan Documents setting out spatial land uses, development policies and site allocations for the Borough and specific areas
 - Supplementary Planning Documents for specific issues or areas and
 - Procedural documents about how the planning system is to operate locally, how and when the community can become involved, and how the Council has performed on a range of indicators.
- 5.3 The Lewisham Local Development Scheme (or LDS), is a procedural document in the LDF. It is a project plan that outlines what planning documents the Council is preparing and the timelines for their preparation. The last version of the Local Development Scheme, was approved by the Secretary of State and adopted by the Full Council at its meeting on 17 October 2007.
- 5.4 The Act requires that the Local Development Scheme is kept up to date. Each new planning document the Council intends to produce must be included in a revised LDS and submitted to the Secretary of State for approval. In addition any revision to the adopted timetable must be reflected in the revised LDS.
- 5.5 Version 4 of the LDS has been prepared in the light of the results of annual monitoring (see the Lewisham Annual Monitoring Report 2007), the implications of new government planning guidance, alterations to the London Plan, changing local circumstances, and staff resources. These are factors which necessitate changes to the LDF programme.

6. The Local Development Scheme (LDS)

- 6.1 The LDS is the project plan which sets out the Council's programme for the preparation of Local Development Documents. It is a public document and must be made available on the Council's website. In addition to specifying which Local Development Documents (LDD) the Council intends to produce it also sets out the timetable for producing each document with a series of key milestones with dates. It shows when preparation will commence, when consultation will take place, and expected adoption for each document.
- 6.2 Good progress has been made on producing the documents listed in the original LDS.

- (i) The third Annual Monitoring Report (2006/07) was approved by the Mayor in December 2007 and submitted to the Secretary of State as required by the Act.
 - (ii) The Statement of Community Involvement was adopted in June 2006.
 - (iii) Conservation Area Supplementary Planning Documents (SPDs) were adopted by the Council for Brockley in December 2005, Hatcham and Belmont Park in February 2006, St. Mary's in December 2006, and Blackheath in March 2007.
 - (iv) The Residential Standards SPD was adopted by the Council in July 2006.
 - (v) The Shop Front SPD was adopted by the Council in September 2006.
- 6.3 The Council is producing four higher level Development Plan Documents to replace the UDP. These are:
- (i) the Core Strategy DPD
 - (ii) the Development Control Policies and Site Allocations DPD and
 - (iii) two town centre Area Action Plans - Lewisham and Catford.
- 6.4 The 'preferred options' reports for these four DPDs were approved for public consultation by the Council in 2007. Public consultation took place on the first two during June and August 2007. The Area Action Plans were publicly consulted during August and September 2007.
- 6.5 During the period that consultation on the 'preferred options' was taking place, further guidance has been produced which impacts on the approach to LDF preparation. Officers have also been carefully monitoring the progress and lessons learnt from other authorities at a more advanced stage of the new system. As a result, while good progress has been made on implementing all the documents listed in the LDS, it is now considered prudent to revise the timetable for some of the documents. The revised LDS therefore sets out a new timetable for some existing documents and includes one new Supplementary Planning Document. This new SPD responds to a Council resolution to prepare an SPD for the Bromley Road/Southend area.
- 6.6 The revised LDS is attached as Annex 1 to this report. Set out below is a brief summary of the main changes to the adopted LDS timetable. These details are shown graphically on the flow chart of the Revised LDS at Appendix 1.

7. Key changes to the LDS

- 7.1 The key change to the LDF programme is that a further round of preferred options public consultation is proposed for the four key Development Plan Documents – the Core Strategy, the Development Policies and Site Allocations, and the Lewisham and Catford Town Centre Area Action Plans.
- 7.2 The need for a further round of preferred options public consultation comes in light of the new guidance produced and related feedback from the Government Office for London (GOL). This questioned whether the presentation of the documents that were consulted were likely to be considered 'sound' at the independent examination. The main areas of

concern as identified by GOL are the level of justification for the preferred strategy, the lack of clear alternative options for each policy area and the integration of the evidence base.

- 7.3 There are nine tests of 'soundness' relating to process and content. However, if any test is failed an Inspector can, and according to the rules should, find the plan unsound. If this occurs the legal situation is that the plan will need to be withdrawn and the Council must start the entire plan preparation process again from the beginning. There is no provision to go back to an earlier stage that may contain the 'problem'.
- 7.4 According to the Planning Inspectorate over 90% of Council's are experiencing delays in producing DPDs and of those submitted 30% have either been withdrawn or found unsound. In London, four Councils have submitted plans to the Secretary of State; Tower Hamlets, Islington; Redbridge and Havering. The first two have now been withdrawn as there was a strong possibility that they would be found unsound at the examination. The Inspector has recommended changes to the Havering and Redbridge plans.
- 7.5 In June 2007 the Planning Inspectorate (PINS) published a document titled 'Lessons Learnt Examining Development Plan Documents'. This was very critical of local planning authorities submitted plans and set out what PINS would like to see by way of improvement. It made specific reference to the importance of the preferred options stage and how certain matters would need to be addressed in order to be found sound. It appears that, following publication of this document, GOL and PINS are taking a harder line on what is acceptable practice. It is clear that GOL advice is now much more critical. Hammersmith and Merton Councils were at preferred options consultation at the same time as Lewisham and all three boroughs have been advised to think very carefully about the need to undertake a further round of consultation on their preferred options before moving onto submission.
- 7.6 GOL raised a number of issue concerning the procedures and format for presenting the preferred options. Their main concerns were that the Core Strategy was not sufficiently spatial (one of the tests of soundness) and that the Council had not demonstrated in what was published that the strategy was based on a 'sound and robust evidence base' (another test).
- 7.7 Officers have reflected on the new guidance and comments made by GOL and have sought counsel's opinion. Mr. Stephen Morgan of Landmark Chambers was instructed because of his experience of the new LDF system, having advised Islington and a number of other Councils.
- 7.8 Counsel's opinion was that GOL had raised genuine issues for the Borough to address and that there was a distinct risk that a planning inspector might find the Core Strategy and the Development Policies and Site Allocations DPDs unsound. He was concerned that the updated evidence base strategic flood risk assessment (SFRA); the housing market assessment (HMA), the housing trajectory (HT) and the employment land review (ELR) had not been published at the time the council consulted on the preferred options.

- 7.9 The Strategic Flood Risk Assessment and Housing Market Assessment are now available as draft but not yet final reports. The Housing Trajectory has now been completed and was published in the Annual Monitoring Report that was agreed by Mayor and Cabinet on 14 November 2007. The Employment Lands Review was commissioned in December 2007 and a draft report will be available in March 2008. The findings from these reports will be incorporated into the amended preferred options reports. This will address the concerns raised by GOL.
- 7.10 The existing preferred options and draft policies are currently used as a material consideration in the assessment of relevant planning applications. These will remain in place until the revised preferred options are adopted by the Council for consultation purposes in November and December 2008.

8. Specific Changes

A. Core Strategy

- 8.1 Consultation on the preferred options for the Core Strategy is scheduled to take place in November and December 2008. The timing ensures the findings of the evidence reports can be incorporated into the document, and meaningful internal consultation and comment can take place prior to the formal public consultation period.

B. Development Policies and Site Allocations

- 8.2 The Development Policies and Site Allocations Development Plan Document (DPD) has been separated into two DPDs, one for Development Policies and one for Site Allocations. The Council has been advised that that it is better for the DPD to be separated as it deals with two separate and distinct components (although related). Importantly, separation will avoid the risk of one component of the DPD delaying the other at the Examination in Public. This particularly relates to site allocations which can prove contentious and often require more scrutiny.
- 8.3 The public consultation is scheduled for November and December 2008. This will occur at the same time as the Core Strategy.

C. The Lewisham and Catford Town Centre Area Action Plans (AAPs)

- 8.4 The revised timetable sees a further round of consultation on the preferred options for the two area action plans in May and June 2009. This responds to the need to prioritise the Core Strategy and the need to include detailed implementation information for each site included in the AAPs. For many of the sites details will not be known until the end of 2008.
- 8.5 Submission of the documents to the Secretary of State is scheduled for January and February 2010; the pre-examination meeting for Lewisham AAP in May 2010, the examination in July 2010 and adoption in April 2011. For the

Catford AAP the pre-examination meeting is scheduled for June 2010, the examination in August 2010 and adoption in May 2011.

D. Supplementary Planning Documents

- 8.6 These set out detail about implementing policies in the higher level development plan documents.
- 8.7 A new Supplementary Planning Document (SPD) for the Bromley Road/Southend area has been included in the programme. The SPD responds to a Council resolution in 2007 and will provide guidance for future development as well a baseline document for future locality based regeneration. The SPD will cover appropriate uses for development sites, height, massing, layout, orientation, density, amenity space, car parking, and will assess the impact of any redevelopment on the locality's transport, social and economic infrastructure. Consultants will be appointed in February 2008 to undertake the work which is likely to be completed in August 2008 with adoption towards the end of the year.
- 8.8 The timetable for the Planning Obligations SPD has been revised in order to line up with the timing of the Core Strategy. The Government is also introducing new legislation, the Community Infrastructure Levy, which will determine the issues to be covered by the SPD. The new timetable anticipates these changes.
- 8.9 The key milestones for the Deptford Creekside SPD have been amended. This SPD will be undertaken in conjunction with the London Borough of Greenwich. Delays relate to staff resources for both boroughs and the need to appoint an appropriate consultant. Consultants are expected to be appointed in March 2008 and adoption will need to follow the Core Strategy.

9 Financial Implications

- 9.1 There are no direct financial implications arising from this report. The cost of printing and publishing will be met from the existing Planning budget.

10 Legal Implications

- 10.1 The Planning and Compulsory Purchase Act 2004 required the local planning authority to submit the first Local Development Scheme to the Secretary of State by March 2005. Any subsequent revision to the LDS is subject to exactly the same process as the first LDS. That is, the Mayor and Cabinet approve the revisions for submission to the Secretary of State, GOL acting for the Secretary of State then have 28 days during which time they can direct the Council to make changes to the LDS.
- 10.2 Under the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations made under it, the preparation of the draft LDS for submission to the Secretary of State is an Executive function to be undertaken by the Mayor. The preparation of the actual Local

Development Documents is specified in amending regulations as a non-Executive function and such documents will therefore have to be approved by full Council.

11. Crime and Disorder Implications

- 11.1 The LDF allows for a spatial planning approach rather than a more narrow land-use approach to policy which was typical of the UDP. The focus will remain on implementing the land-use and design aspects of crime and disorder issues. Each Development Plan Document or Supplementary Planning Document will address crime and disorder issues and contain policies to control identified issues.

12 Equalities Implications

- 12.1 Equalities considerations will be built into the production of each of the documents comprising the LDF. It is anticipated that all policy documents will be subject to the Lewisham Equality Impact Assessment and hence will comply with our duties as a public authority under the Race Relations (Amendment) Act 2000.

13 Environmental Implications

- 13.1 There are no direct environmental implications arising from submitting the LDS to GOL. However, the production of the planning policy documents specified in the LDS will have considerable environmental implications. The new planning regulations require a Sustainability Appraisal for all DPD and these regulations incorporate the requirements of the Strategic Environmental Appraisal Directive.

Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
UDP	July 2004	Laurence House	Planning Policy	Brian Regan	No
PPS 12		Laurence House	Planning Policy	Brian Regan	No
LDF Regulations	October 2004	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 5th floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

