

<b>Cabinet</b>	
27 November 2019	
<b>Report of:</b> Ann Sutcliffe, Place Corporate Director	<b>Classification:</b> Unrestricted
<b>Adoption of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits</b>	

<b>Originating Officer(s)</b>	Marissa Ryan-Hernandez (Strategic Planning Manager) & Jane Jin (Plan Making Team Leader)
<b>Wards affected</b>	All wards

### Executive Summary

The Local Plan sets out a vision, strategic priorities and a spatial planning policy framework for development in the Borough. Its purpose is to direct the determination of planning applications and positively plan for the development and infrastructure requirements to meet the needs of existing and future communities. The Local Plan has been through an extensive preparation process, including evidence base collection, public consultation and independent examination.

On 21 February 2018, full Council approved the Local Plan (submission version) to be submitted to the Secretary of State for an Examination in Public (EiP) (see Appendix 4). Upon Submission, the Secretary of State appointed an independent Planning Inspector to undertake the EiP which ran from 6 to 21 September and 11 to 12 October 2018. The Inspector's Final Report (see Appendix 1) was received on the 20 September 2019 and has been published on the Council's web site. The report concludes that the Local Plan is sound and legally compliant, subject to a number of modifications. The modifications were consulted on by the Inspector from 29 March to 9 May 2019.

It is now necessary to adopt the Local Plan 2031: Managing Growth and Sharing the Benefits (Local Plan) to ensure the Council has a robust and up-to-date spatial planning policy framework. Once adopted, the Local Plan will replace the adopted Core Strategy (2010) and Managing Development Document (2013).

### Recommendations:

The Mayor in Cabinet is recommended to:

1. Note that the Local Plan has been subject to further amendments (following its submission to the Inspector in February 2018) as part of the independent public examination, as described in:
  - a. the Inspector's Final Report (see appendix 1), and;

- b. schedule of main and additional modifications (see appendix 2).
- 2. Note the recommendation stated in the Inspector's Final Report.
- 3. Refer the Report to the Full Council to formally adopt the Local Plan, including the modifications recommended by the Inspector and the additional minor modifications proposed by officers, in accordance with Section 23 of the Planning and Compulsory Purchase Act.
- 4. To recommend to Full Council to Authorise the Corporate Director of Place to prepare and publish an Adoption Statement and the final Integrated Impact Assessment Report, in accordance with S26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5. To recommend to Full Council to authorise the Corporate Director of Place in consultation with the Mayor and Lead Member for Planning, Air Quality and Tackling Poverty to make typographical amendments to the plan prior to its publication to improve cross-referencing (e.g. paragraph numbering, page re-numbering) and typographical errors.
- 6. To recommend to Full Council to revoke the Council's current adopted Core Strategy (2010) and Managing Development Document (2013). It is recommended that the current adopted Plans are revoked following the statutory six week legal challenge period of the Local Plan adoption.
- 7. Subject to adoption of the Local Plan by the Full Council, agree to revoke the following Council's supplementary/Interim planning documents (see appendix 3 for a full SPD review). These need to be removed as planning policy guidance to ensure an effective and efficient development management process. It is recommended that the current the following documents are revoked following the adoption of the Local Plan by the Full Council and following the statutory six week legal challenge period of the Local Plan adoption.
  - a. Wood Wharf Masterplan (2003)
  - b. Aldgate Masterplan (2007)
  - c. Former Whitechapel Masterplan (2007)
  - d. Bishopsgate Goods Yard (2009)
  - e. Bromley-by-Bow Masterplan (2012)
  - f. Whitechapel Vision Masterplan (2013)
  - g. South Quay Masterplan (2015)
  - h. Millennium Quarter Public Realm Guidance Manual (2008)

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Local Plan is a statutory requirement as set out in the Planning and Compulsory Purchase Act 2004. Section 19 sets out specific matters to which the local planning authority must have regard when preparing a local plan. Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe the general form and

content of local plans and adopted policies maps, while regulation 10 states what additional matters local planning authorities must have regard to when drafting their local plans.

- 1.2 The Local Plan is necessary to ensure that an up-to-date planning framework is in place to support the borough's growth. The Local Plan will ensure:
  - a. new developments meet the needs of the borough and designed to the highest standards; and
  - b. key sites deliver infrastructure to support an increasing population – including new schools, health facilities and local parks.
- 1.3 On receipt of the Inspector's Final Report, the Council must consider whether to adopt the Local Plan. If the Council decides to adopt the Local Plan then it must accept the Inspector's recommendations if the plan is to be deemed 'sound' and have full weight.
- 1.4 The adoption of the Local Plan will provide the Council with updated and detailed policies and guidance to determine planning applications and manage development. The Local Plan has been developed to be consistent with the National Planning Policy Framework (2012) and the London Plan (2016).
- 1.5 The document will replace the Council's current Local Plan which consists of the adopted Core Strategy (2010) and Managing Development Document (2013). Although relatively recent documents, the introduction of new housing and job targets through the London Plan, along with recent changes to national planning policy and legislation requires the Council to bring forward a new Local Plan to manage increased growth and respond to emerging trends.

## **2. ALTERNATIVE OPTIONS**

### **OPTION A: RETAIN THE EXISTING LOCAL PLAN**

- 2.1 The current Local Plan has not planned for sufficient infrastructure such as schools, open space and transport to meet the needs arising from the borough's revised annual housing target and projected employment growth set out in the London Plan.
- 2.2 Without a new and up-to-date Local Plan in place, there is a risk that development will not come forward in a coordinated manner, making it difficult to deliver the social and physical infrastructure necessary to support the anticipated number of new homes and jobs. By not allocating sufficient sites, the borough could miss out on the benefits of growth to the detriment of local people.
- 2.3 The evidence on which the current Local Plan is based is becoming increasingly out-of-date. The National Planning Policy Framework and London

Plan would become default policies on matters not addressed within the existing Local Plan, meaning local circumstances would not necessarily be reflected to guide planning applications and decisions.

- 2.4 It also means that in some cases the Council's ability to successfully defend refusals at appeal would be compromised.

### **OPTION B: REJECT THE FINDINGS OF THE INSPECTOR'S REPORT AND RECOMMENDED SCHEUDLE OF MAIN MODIFICATIONS AND WITHDRAW THE LOCAL PLAN**

- 2.5 The Inspector's main modifications are required to make the plan sound. The Local Plan cannot be legally adopted unless these changes are made. The Council does not have to accept these changes and could decide to withdraw rather than adopt the Local Plan. Subsequently, the Council can revisit the Local Plan to prepare a new plan. It should be noted this option would take approximately four years from inception through to adoption and incur significant costs. This represents an inefficient use of public funds and resources.
- 2.6 In addition to the cost, further delaying an up-to-date Local Plan would pose a significant risk to the long term growth and prosperity of the borough, as set out in paragraph 2.1 to 2.4.

## **3. DETAILS OF THE REPORT**

### **Background**

- 3.1 The Tower Hamlets Local Plan is the borough's key planning document and is a statutory requirement. It sets out the authority's policies (however expressed) relating to the development and use of land in their area. With a view to to guiding future growth and investment, as well as secure benefits from new developments, such as transport improvements, new open spaces and affordable housing. It covers a fifteen year period, from 2016 until 2031. More specifically, it sets out:
- a. a vision of what the borough will look and feel like in 2031;
  - b. a series of objectives and supporting actions on how the benefits of this growth can be shared across the borough;
  - c. a range of policies to inform and positively shape future development and investment decisions, such as new homes, jobs and supporting infrastructure;
  - d. a series of priorities and principles that will guide and inform the future development of the borough's individual places and key sites;
  - e. a map showing the designations such as protected open space and the sites where new development will take place; and
  - f. details on how we will implement and monitor these policies.

## Local Plan Development Process

- 3.2 The Local Plan was prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires the Local Plan to be:
- consistent with the National Planning Policy Framework (NPPF) (2012) and the London Plan (2016);
  - underpinned by relevant and proportionate evidence base to inform content;
  - supported by options testing to explore alternative scenarios and implications of different policies or site allocations;
  - informed by a consultation and engagement process with the community and key stakeholders, including appraising the options of draft policies and site allocations;
  - supported by an Integrated Impact Assessment, which also includes the Habitat Regulations Assessment and Equalities Impact Assessment to review the policies and site allocations; and
  - examined in public by an independent Planning Inspector.

## Consultation

- 3.3 The process for the preparation of the Local Plan is set out in the Council's Statement of Community Involvement (SCI). The report recommending submission to the SoS was considered by Members Advisory Board, Cabinet and full Council in February 2018. It outlined the extensive consultation and engagement process which was undertaken. The Tower Hamlets Local Plan process of preparation is summarised in table 1 below.

Table 1

Key stages	When	Stage	Purpose / nature of stage	Number of responses
<b>Early engagement</b> Our Borough, Our Plan: A New Local Plan First Steps'	January - February 2016	Regulation 18	<ul style="list-style-type: none"> <li>Review of new and emerging policy and legislation, market changes, political priorities etc.</li> <li>Outline scope of the plan</li> <li>Key challenges / opportunities</li> </ul>	130 reps were received which contained 1,235 individual comments.
<b>Preferred approach</b> Tower Hamlets Draft Local Plan 2031: Managing Growth and Sharing Benefits	November 2016 - January 2017	Regulation 18	<ul style="list-style-type: none"> <li>Draft version included policies and site allocations.</li> <li>Public drop-in events, area-specific workshops and bespoke meetings with specific groups (e.g. the Youth Council)</li> <li>Press and social media advertised</li> </ul>	103 reps were received which contained 908 individual comments.
<b>Publication</b> Tower Hamlets Draft Local Plan 2031: Managing Growth and Sharing Benefits	October – November 2017	Regulation 19	<ul style="list-style-type: none"> <li>Formal comments were sought on the final draft Local Plan.</li> <li>In September 2017, Cabinet and Full Council gave approval to go out to formal consultation.</li> <li>Comments were focussed on soundness and legal compliance</li> <li>Public workshops</li> <li>Press and social media advertised</li> </ul>	126 reps were received which contained 948 separate comments

<b>Submission</b> Tower Hamlets Draft Local Plan 2031: Managing Growth and Sharing Benefits	Wednesday 28th February 2018	Regulation 22	<ul style="list-style-type: none"> <li>Resolution of Cabinet and Full Council to submit plan to Secretary of State</li> </ul>	n/a
<b>Examination</b>	6 to 21 September and 11 to 12 October 2018.	Regulation 24	<ul style="list-style-type: none"> <li>Examine the soundness of the Local Plan and make sure it adheres to the requirements set out in national policy and legislation.</li> <li>Consultation on the inspector's proposed main modifications</li> <li>Inspector's report into the soundness of the Local Plan</li> </ul>	25 reps were received on the main modifications which contained 67 separate comments

3.4 The Council has engaged constructively, actively and on an on-going basis with the relevant bodies in the process of preparing the Local Plan. The Council has also undertaken extensive consultation and engagement with the community in accordance with the Council's SCI and national legislation.

3.5 The consultation and engagement process has shaped and informed the development of the Local Plan. The Local Plan represents a collaborative approach between the Council and key external stakeholders (including statutory agencies, landowners and residents).

### **Submission**

3.6 The Local Plan (submission version) was presented to full Council on 21 February 2018 for approval to submit to the Secretary of State. In accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council submitted the Local Plan, including supporting evidence base, to the Secretary of State on 28 February 2018 to undertake an independent examination into the soundness of the document.

### **Examination**

3.7 The Secretary of State appointed an independent Planning Inspector (Mrs Christa Masters) to conduct the independent public examination of the Local Plan to ensure it meets the requirements set out in national policy and legislation.

3.8 The examination hearing sessions took place over two stages (6-21 September and 10-11 October 2018). The structure of the hearings focused on specific topics that were determined by the Inspector for further examination. The hearings were attended by key representors, including landowners, GLA, English Heritage and representatives of the local community.

3.9 Officers from the Plan Making Team presented both verbal and written evidence (in some cases supported by Counsel) to demonstrate the

soundness of the Local Plan, with assistance from other service areas such as education, infrastructure, open space, housing, public health, waste, transport and enterprise. The hearing sessions were also open to the public. Organisations and individuals (e.g. developers, landowners and other stakeholders) who had responded to the regulation 19 consultation were also invited to take part in the hearing sessions.

- 3.10 Following the hearing sessions, the Planning Inspector proposed a number of changes (known as “main modifications”) to the Local Plan in the light of these discussions. Main modifications are changes the inspector deems necessary to make the plan sound.
- 3.11 The Planning Inspector invited comments on the main modifications between Monday 25 March and Thursday 9 May 2019. Comments were sought on the content of the main modifications (soundness) and the way in which they had been prepared (legal compliance).
- 3.12 Alongside these changes, comments were also invited on:
  - a. the proposed changes to the Policies Map (as a consequence of the main modifications); and
  - b. the appraisal of the social, economic and environmental impacts of the main modifications (known as the Integrated Impact Assessment).
- 3.13 Whilst not forming part of the consultation, officers proposed a number of additional modifications to improve the clarity of the Local Plan. A schedule of these changes is attached at appendix 2. None of these changes will fundamentally alter the substance or strategic direction of the Local Plan. Additional modifications are largely confined to typographical/grammatical amendments, factual updates, additional clarification or editorial changes to improve the clarity of the plan as a whole.
- 3.14 It should be noted that following the hearing sessions, National Planning Policy Framework (2012) was revised and published in July 2018 and updated in February 2019. National Planning Policy Framework (2019) includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining the Plan, the policies in the 2012 National Planning Policy Framework applied. Therefore, throughout this report, National Planning Policy Framework (2012) is referenced.

### **Inspector’s Report**

- 3.15 The Inspector’s Final Report (appendix 1) was received on the 20 September 2019. The Inspector concluded that, subject to a number of main modifications, the Tower Hamlets Local Plan (submission version) satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework as well as meeting all aspects of legal compliance and the duty to cooperate. It therefore provides

an appropriate basis to guide the future planning and development of the borough, subject the main modifications.

- 3.16 To adopt Local Plan, the Council is required to accept the Inspector's recommended main modifications in order to meet legal and statutory requirements to ensure the Local Plan is 'sound'. These main modifications, together with additional minor modifications that the Council consulted on are set out in appendix 2.
- 3.17 The Inspector's changes do not include any new policies, designations, targets or significant amendments to the content of the plan and the proposed development sites have been retained.
- 3.18 The Inspector's Final Report has been published on the Council's web site.

### **Next Steps**

- 3.19 The proposal is for the full Council to formally adopt the Local Plan on 15 January 2020. The following timescales show the planned reporting cycle for formal adoption.
- 3.20 The main modifications and the additional modifications will be consolidated into a desktop version of the final Local Plan.
- 3.21 Subject to full Council adopting the Local Plan, it will be finalised and published on the Council's web site and made available in the borough's Idea Stores, libraries and planning reception at the Town Hall. The Local Plan will carry full weight in the determination of planning applications and will become part of the borough's development plan alongside the London Plan and any relevant neighbourhood plans.
- 3.22 The Council will need to prepare an Adoption Statement to accompany the Local Plan in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement sets out:
  - a. date which the Local Plan was adopted;
  - b. modifications following the submission version (February 2018); and
  - c. notice that any person aggrieved by the process can make an application to the High Court within 6 weeks from the date of adoption.
- 3.23 Following adoption of the Local Plan there will be a statutory six week legal challenge period. The six weeks will commence from the date of adoption which will be the full Council meeting.
- 3.24 Under section 113 of the Planning and Compulsory Purchase Act, an application can be made within six weeks of adoption to the High Court to quash a Local Plan (either in whole or part). However, we can still put full weight on the policies in the plan during the challenge period.

- 3.25 In the event of such a challenge, a further report will be presented to Cabinet and full Council to provide a suitable update on the expected process and associated risks.
- 3.26 Following the challenge period, the current adopted policies within the Local Plan (Core Strategy (2010) and Managing Development Document (2013)) would need to be removed in order to facilitate an efficient planning policy framework. These policies will be deemed superseded following the adoption of the new Local Plan and the challenge period.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 In carrying out the function of preparing a Local Plan, regard must be given to the duty to eliminate unlawful conduct under the Equality Act 2010. The duty (as set out at section 149 of the 2010 act) requires the council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status.
- 4.2 As the Local Plan is a Borough wide document that will potentially impact on all of those who live, work and visit the Borough. In order to consider the potential equalities impacts of these policies, the Council's Equalities Impact Assessment process was undertaken of the Local Plan. This is a two-stage approach to the analysis of equality issues and based on the Equality Analysis Quality Assurance Checklist, a Full Equalities Impact Assessment was not deemed necessary as the Local Plan exhibited due regard to the Council's Public Sector Equality Duty. The approach to this assessment was discussed with the Council's Senior Strategy, Policy and Performance Officer (Equality) officer at the time who confirmed that completion of the QA checklist was sufficient. The review of the Regulation 19 Draft Local Plan came to the same conclusion, as did the review following the main modifications of the Plan. Steps were taken to ensure due regard for the nine protected groups was embedded in the process to produce, and the policies of, the Local Plan as it continued to develop. There are policies in the Local Plan which, while not focussed on people who share one or more of the nine Protected Characteristics identified under the Equality Act 2010, could have significant positive effects. These include policies relating to housing, employment, transport and mobility and inclusive design. The provision of adaptable and accessible housing will bring positive outcomes for the disabled and others. The safeguarding and provision of accommodation for Gypsies and Travellers are also positive.
- 4.3 A suggestion arising from undertaking the Equality Analysis Quality Assurance Checklist at the Regulation 18 stage was that the officers considering consulting with or briefing other groups meeting during the

consultation period on the Draft Local Plan, e.g. groups identified in the Council's Single Equality Framework, e.g. Community Forums, Local Voices and other relevant local groups if they were meeting during the period over which the document was being consulted on. The Council agreed with this recommendation and undertook additional consultation at Regulation 18 stage. At the Regulation 19 stage, contacts were made with all groups contacted at the Regulation 18 stage. The approach to this assessment was discussed with the Council's Senior Strategy, Policy and Performance Officer (Equality) officer at the time who confirmed that completion of the QA checklist was sufficient. The review of the Regulation 19 Draft Local Plan has come to the same conclusion.

- 4.4 Equalities has been embedded into the policies of the Local Plan so that it is at the heart of the decision making process on the determination of planning applications. Part 3 of the Local Plan sets out a strategy for delivering sustainable growth across the borough, with a particular emphasis on ensuring that the built environment is accessible (especially to those with physical impairments) and promotes community safety and cohesion. This will help to ensure the continued delivery of 'One Tower Hamlets' - a place where people from all backgrounds are able to have their voice heard and share equal life chances.

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
  - Data Protection / Privacy Impact Assessment.

### **Equalities**

- 5.2 For the Local Plan, a screening opinion on the need to undertake a full Equalities Impact Assessment has been carried out as part of the Integrated Impact Assessment. This confirmed that a full Equalities Impact Assessment is not necessary because due regard is given to the council's Public Sector Equality Duty within the emerging Local Plan.
- 5.3 Policies on safeguarding and provision of accommodation for gypsies and travellers and the provision of adaptable and accessible accommodation will bring positive outcomes for different groups, including the disabled. For the regulation 19 consultation, a wide range of groups and organisations from the voluntary and community sector were contacted (including those identified in the council's Single Equality Framework) to invite them to participate in the

preparation of the Local Plan process. Among them included representatives from the youth council, faith groups, local business forums, black and ethnic minority groups, health organisations and the network of organisations representing disabled people. Officers will continue to work with the council's equalities team to ensure actions are undertaken to mitigate any impacts on the equality profile of those affected by the Local Plan.

### **Best Value Implications**

- 5.4 Under section 3 of the Local Government Act 1999 the Council must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is in addition to the duty under section 13 of the Planning and Compulsory Purchase Act 2004 to carry out a review of planning policies. The new Local Plan will enable the council to continue to ensure that the delivery of housing, infrastructure and other new development is optimised, and that social, economic and environmental benefits continue to be secured and shared across the borough and beyond. The development of sites following the policies and guidance contained within the new Local Plan will generate section 106 and Community Infrastructure Levy (CIL) contributions, where relevant. This may include the delivery of new affordable housing, local enterprise and employment opportunities, public realm enhancements and transport infrastructure.

### **Environmental**

- 5.5 Sustainability appraisal is a legal requirement for the preparation and development of a Local Plan. Under the Planning and Compulsory Purchase Act 2004, sustainability appraisals must comply with the requirements of a Strategic Environmental Assessment (SEA). The SEA ensures environmental issues are incorporated into the Local Plan and assessed in decision-making throughout the entire plan-making process. The sustainability appraisal will be submitted to the secretary of state alongside the new Local Plan as part of the Integrated Impact Assessment.
- 5.6 The Local Plan will help ensure a greener environment in a number of ways, including:
- protecting and enhancing areas of open space and water space;
  - promoting biodiversity;
  - managing the impacts of construction on communities;
  - reducing and minimising waste within developments;
  - promoting sustainable transport options, such as new pedestrian and cycle routes; and
  - ensuring new buildings and spaces meet the highest standards of environmental sustainability and design.

### **Risk Management**

- 5.7 Throughout its preparation, the emerging Local Plan has been regularly

reported and presented to a number of internal groups that consider risk management issues and mitigation measures. These have included:

- Local Plan: Internal Stakeholders Group;
- Development and Renewal Directorate Management Team; and
- Corporate Management Team.

5.8 The Corporate Leadership Team approved a Project Initiation Document (PID) in May 2015. Officers have worked collaboratively across the relevant services on developing the new Local Plan and its evidence base through CLT and a Local Plan Internal Stakeholder Group. The Mayor of Tower Hamlets and Lead Member for Strategic Development and Waste have been briefed frequently on the new Local Plan, providing significant input into the development of the Local Plan.

### **Crime Reduction**

5.9 The Local Plan contains policies that seeks to ensure the design of developments minimises opportunities for crime and disorder and creates a safer and more secure environment. In particular, development will be required to incorporate the principles of 'secured by design' to improve safety and perception of safety for pedestrians and other users, without compromising the ability to create aesthetic and functional public spaces, such as crowded places.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications emanating from this report which recommends the adoption of the Local Plan. All costs incurred in developing this plan have been incurred in previous financial years.

6.2 There will be future financial implications for both income and expenditure as a result of the adoption of this Local Plan and its implementation when making planning decisions. There is an expectation that these implications will be managed within existing resource allocations.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 The Local Government Act 2000 created the executive model of government whereby functions not reserved to Full Council are to be the responsibility of the Executive. Other functions and responsibilities are to be shared between Full Council and the Executive. Functions which are to be the shared responsibility of the Full Council and the Cabinet are those relating to the Council's policy framework and budget. Development Plans are a shared responsibility. In cases where there is shared responsibility the law (The Local Authorities Functions and Responsibilities Regulations 2000 as amended by the 2005 Regulations in relation to Planning) provide that the decision making is shared so that the Executive makes proposals for Full Council to agree, reject or send back to Cabinet for different proposals.

- 7.2 Section 13 of the Planning and Compulsory Purchase Act 2004 requires the local planning authority to keep under review the matters which may be expected to affect the development of their area or the planning of its development. By section 17(3) of the same Act the authority must keep under review their local development documents having regard to the results of any review carried out under section 13. Paragraph 2.2 of the report sets out the outcome of the reviews.
- 7.3 The Procedure for preparing and adopting a local plan is set out in section 19 to 24 of The Planning and Compulsory Purchase Act 2004 and part 6 of the Local Plan Regulations 2012. In preparing the plan the Council has to have regard to the matters set out in section 19(2) of The Planning and Compulsory Purchase Act 2004, among other matters. For a London Borough this list of matters includes, having regard to the London Plan, national policies and other LDDs adopted by the Council. This Report sets out how the Council has met these obligations. The NPPF sets out in detail other matters which ought to be addressed in local plans. For the purposes of this Local Plan the relevant NPPF was the 2012 edition. Finally, Part 6 of the Local plan Regulations set out other procedural requirements. Where a statement of Community Involvement is in place the process must comply with its requirements in addition to those of the Regulations. This report sets out how these requirements have been met.
- 7.4 Section 20 of The Planning and Compulsory Purchase Act 2004 requires that the Plan be submitted to independent examination. The report indicates that an Examination has taken place and that the Inspector has made recommendations.
- 7.5 To come into force the local plan has to be adopted by resolution of full council on the recommendation of the Executive. The full Council has the following options:
- Adopt the plan with any main recommendations recommended by the Inspector and any non-material modifications as required by the Council
  - Defer adoption of the plan while asking the secretary of state to intervene under section 21 and to overrule the inspector
  - Bring Judicial Review proceedings against the Inspector
  - Withdraw the plan
- This report is recommending the first option.
- 7.6 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority “must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.
- 7.7 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a “duty .....to exercise its various functions with due regard to the likely effect of the

exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)..."

7.8 Section 144 of the Greater London Authority Act 1999, requires local planning authorities (to have regard to the London Mayor's Transport Strategy) in the exercise of all its functions.

7.9 This report shows how these various considerations have been taken into account.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- N/A

### **Appendices**

- Appendix 1 – Inspector's Report
- Appendix 2 – Schedule of Main and Additional Modifications
- Appendix 3 – Supplementary/Interim Planning Document Review
- Appendix 4 – Submission version of the Local Plan

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- N/A

### **Officer contact details for documents:**

- N/A