

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

WEDNESDAY 19 SEPTEMBER, 2012

**LDF: FISH ISLAND AREA ACTION PLAN
ADOPTION**

**REPORT OF THE CORPORATE DIRECTOR DEVELOPMENT AND
RENEWAL, AMAN DALVI**

1. SUMMARY

- 1.1 Fish Island is an area in transition and there is a need to ensure that the area is effectively managed to maximise its regeneration potential within the wider context of the Olympic Legacy through an effective policy framework.
- 1.2 The preparation of the Fish Island Area Action Plan (FI AAP) commenced subsequently to the adoption of the Council's Local Development Framework (LDF) Core Strategy in September 2010. The FI AAP has been through an extensive preparation process, including evidence base collection, issues and options testing, public consultation and independent examination.
- 1.3 Following Full Council approval on 16 May 2012, the FI AAP submission version was submitted to the Secretary of State on 18 May 2012, to undertake an Examination in Public (EiP). This was in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.4 Upon Submission, the Secretary of State appointed an Independent Inspector to undertake the EiP on the FI AAP, from 18 July to 25 July 2012. The EiP comprised seven hearing sessions to test the soundness of the FI AAP.
- 1.5 The Inspector's Decision Statement will be received after the publication of this report, and will be published ahead of the full Council meeting. A supplementary note will be presented to full Council with this report. It is anticipated that the Statement will conclude that the FI AAP provides an appropriate basis for the planning of Fish Island until 2025. The Inspector is likely to recommend that a number of minor modifications are required to meet legal and statutory requirements and subject to these modifications, the FI AAP is 'sound'. These minor modifications will include those that the Council consulted on following the EiP (Appendix 1).

- 1.6 It is now necessary to adopt the FI AAP as a Development Plan Document (DPD) to ensure that development proposals benefit from up to date local planning policy and also benefit the local community in context of the newly established London Legacy Development Corporation (LLDC). From the 1 October 2012 the LLDC will become both the decision making and plan making local planning authority for Fish Island.

2. DECISION REQUIRED

Council is recommended to:-

- 2.1 Agree the Inspector's Decision Statement including his recommendations relating to the FI AAP, presented as a supplementary note to this report.
- 2.2 Adopt the FI AAP, including the changes recommended by the Inspector and the minor modifications, as a Development Plan Document which forms part of the Council's LDF.
- 2.3 Authorise officers to prepare and publish an Adoption Statement as set out in regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

3. REASONS FOR THE DECISIONS

- 3.1 There is a need to adopt the FI AAP to provide a coordinated approach to regenerating the area which is consistent with the vision and objectives set out in the Council's Community Plan and LDF Core Strategy to 2025. The adopted FI AAP will provide updated and detailed policies and guidance to determine planning applications and manage development in the area.
- 3.2 On receipt of the Inspector's Decision Statement, the Council must consider whether to adopt the FI AAP, in which case it becomes part of the LDF. If the Council decides to adopt the FI AAP then they must accept the Inspector's recommendations if the plan is to be deemed 'sound' and have full weight as a Development Plan Document.
- 3.3 The LLDC will have plan making and decision making powers from 1 October 2012 for the Fish Island area. If the FI AAP is adopted by the Council before 1 October 2012, the FI AAP will remain in place as the adopted development plan until such time as the LLDC has adopted its own Local Plan.
- 3.4 If the FI AAP is not adopted by the Council before the inception of LLDC planning powers, the LLDC may only choose to have regard to the submission version of the FI AAP as a material consideration and it will not have the same weight as an adopted Development Plan Document. As a result, the Council's vision and objectives established in the FI AAP will not be realised through an effective policy framework.

4. ALTERNATIVE OPTIONS

- 4.1 An alternative option would be to rely on the adopted Core Strategy, London Plan (2011), Olympic Legacy Supplementary Planning Guidance (OLSPG) (2012) and the Council's existing planning guidance contained within the 1998 Unitary Development Plan and the 2007 'Interim Planning Guidance'.
- 4.2 In absence of an up to date detailed policy framework for the area, this more general planning guidance may not be able to provide an effective, coordinated and managed release of previous industrial land. This would mean that the Council and the LLDC would not be able to respond to development pressures in a way that maximises the regeneration opportunities arising from the Olympic Legacy until the LLDC adopt their own Local Plan, which is not envisaged until April 2014 at the earliest.

5. BACKGROUND

- 5.1 The LDF Core Strategy was adopted by Full Council in September 2010 and provides an overall spatial vision for the development of Tower Hamlets over the next 15 years. In order for this vision to be delivered, it is necessary to adopt more detailed guidance coming forward in a Development Plan Document (DPD). Following the adoption of the Core Strategy the Council has been progressing work on two DPDs:
- § Managing Development – Development Plan Document (MD DPD); and
 - § Fish Island Area Action Plan (FI AAP).
- 5.2 A summary of the key aims and objectives of the FI AAP is included below:
- § to provide detailed planning guidance for the regeneration of Fish Island, managing the release of industrial land for other uses such as housing and modern employment opportunities;
 - § to deliver 2500 new homes including a substantial provision of affordable and family housing;
 - § to provide new connections across the A12 and into the Olympic Park, improvements to Hackney Wick Station and introduction of new bus routes;
 - § to promote a new neighbourhood centre with local shops and services at Hackney Wick; and
 - § to identify sites for key infrastructure requirements such as a new primary school and new public open space.
- 5.3 The Managing Development DPD will be subject to a separate EiP in September 2012 and if found sound by an Independent Inspector, the MD DPD will sit alongside the FI AAP under the Core Strategy as part of the borough's LDF and have the same status in terms of the determination of planning applications.

6. BODY OF REPORT

- 6.1 The FI AAP was prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning)

(England) Regulations 2012. The associated regulations requires the FI AAP to be:

- § consistent with the National Planning Policy Framework (NPPF) (March 2012) and the new London Plan (July 2011)/Revised Early Minor Alterations (June 2012);
- § underpinned by relevant and proportionate evidence base to inform the policies;
- § supported by issues, options and vision testing to explore alternative scenarios and implications of different interventions or policies to achieve the FI AAP objectives;
- § informed by a consultation and engagement process with the community and key stakeholders, including appraising the issues and options of draft policies and interventions;
- § supported by a Sustainability Appraisal to review the policies and interventions in the FI AAP; and
- § examined in public by an Independent Inspector.

6.2 The EiP is the final milestone to determine the soundness of the document prior to being formally adopted by the Council.

6.3 The Council must then make the document available to the public and publish an Adoption Statement alongside the FI AAP and supporting evidence base, in accordance with Regulations 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

6.4 The process for the preparation of the FI AAP is set out in the Council's latest Local Development Scheme, approved by Cabinet in December 2010. The process to date is summarised below.

DPD process

6.5 Work commenced on the FI AAP shortly after the adoption of LDF Core Strategy in September 2010. The preparation of the FI AAP has been carried out during a time of extensive planning reform with the publication of the NPPF and evolving planning proposals and guidance for the Olympic Legacy. The FI AAP has been developed to be in conformity with the relevant national and regional legislation and policy to ensure the soundness of the FI AAP.

Consultation

6.6 The Council in preparing the FI AAP has a duty to cooperate as set out in s33A of the Planning and Compulsory Purchase Act 2004, and to this end the Council has engaged constructively, actively and on an on-going basis with the relevant bodies in the process of preparing the FI AAP. The Council has also undertaken extensive consultation and engagement with the community

in accordance with the Council's Statement of Community Involvement (SCI) and national legislation.

- 6.7 Previous reports considered by Cabinet in December 2011 and Full Council in May 2012 outline the extensive consultation and engagement process undertaken. The key stages are listed below.

- § Call for sites – 22 March to April 2010
- § Informal consultation – November 2010
- § Engagement stage – 3 May to 9 June 2011
- § Call for Representations - 23 January and 9 March 2012

- 6.8 The consultation and engagement process has shaped and informed the development of the FI AAP. The FI AAP represents a collaborative approach and vision for the area between the Council and key external stakeholders (including statutory agencies, landowners and residents).

Submission

- 6.9 The FI AAP submission version was reported to Full Council on 16 May 2012 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 FI AAP including supporting evidence base to the Secretary of State on 18 May 2012, to undertake an independent examination into the soundness of the FI AAP.

Examination

- 6.10 The Secretary of State appointed an Independent Inspector to undertake the EiP. In accordance with regulation 24 of the Town and Country Planning (Local Planning) (England) regulations 2012, the Council gave public notification on the date, time and location for the EiP.
- 6.11 The Inspector held seven hearings from Wednesday 18 July to Wednesday 25 July 2012. 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. Lead Member for Housing, Councillor Rabina Khan, introduced the first hearing, and hearings were also attended by a number of senior managers and specialist officers from the Council to support the FI AAP examination process.
- 6.12 Following the EiP, the Council consulted on a number of proposed modifications to the FI AAP (Appendix 1). These minor modifications were in response to the Statements of Common Ground, Position Statements, the EiP hearings, and also include other minor amendments suggested by the Council.

- 6.13 During the 6 week consultation period, the Council welcomed comments relating directly to the proposed minor modifications. These were sent to the Inspector for consideration ahead of the Inspector issuing the Decision Statement.

Inspectors Decision Statement

- 6.14 The Council will receive the Decision Statement from the Inspector prior to the Full Council meeting. It is anticipated that the Inspector will conclude that the document is 'sound' subject to minor modifications. The Decision Statement will be published ahead of the Full Council meeting and is anticipated to include:

- § details of the hearing sessions;
- § confirmation that requirements of an examination under S20(5) of the 2004 Act having been fulfilled; and,
- § conclusion from the Inspector on soundness of the FI AAP, alongside his recommendations

Next Steps

- 6.15 Subject to Full Council adopting the FI AAP, 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 Mulberry Place.
- 6.16 The Council will need to prepare an Adoption Statement to accompany the FI AAP in accordance with regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement sets out:
- date which the FI AAP was adopted;
 - modifications following the submission version (May 2012); and
 - notice that any person aggrieved by the process can make an application to the High Court within 6 weeks from the date of adoption.
- 6.17 Following the 6 weeks adoption period and subject to no legal challenges, the FI AAP can then be used as a DPD to determine planning applications in the area.
- 6.18 From 1 October 2012, the LLDC will take over planning powers and the adopted FI AAP will form part of its statutory Development Plan until the LLDC prepares its own Local Plan for the area.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 Following the completion of the statutory consultation process and the independent inspection undertaken on behalf of the Secretary of State, this report seeks approval from Council to adopt the amended Fish Island Area

Action Plan as a Development Plan Document within the Council's Local Development Framework.

- 7.2 Whilst there are no specific financial consequences arising directly from the recommendations in the report, ultimately the Local Development Framework and its constituent elements will underpin key decisions in relation to the allocation of the limited resources available within the Borough, and will influence the shaping of the Council's Capital Strategy.
- 7.3 The documents within the Council's LDF set out some of the challenges that the Authority and its partners may face over coming years as a result of demographic and economic growth. Individual infrastructure developments will need to be subject to detailed planning at the appropriate time, including consideration of the financial impact on both partner organisations and on the Council.
- 7.4 The main costs associated with the production of the Local Development Framework are staffing related and have historically been part supported through Housing and Planning Delivery Grant. The Area Action Plan included within this report has been the subject of on-going consultation processes which incurred costs on items such as advertising, printing, hiring venues and facilitating public meetings. Although the Housing and Planning Delivery Grant regime ended in 2009-10, resources had been earmarked to fund this expenditure. The final stage of the LDF process is an 'inspection in public' for which the Authority must incur all costs, including those of the appointed inspectors. Resources have previously been set aside as part of the budget process to contribute towards the funding of these costs.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1. The Local Development Framework (LDF) consists of a suite of documents which set out planning policy. As the report notes, the Council has already adopted its principal DPD, being the Core Strategy, which establishes the general spatial vision and planning objectives for the borough. Approval is now being sought to adopt the Fish Island AAP following examination in public and receipt of the Inspector's report.
- 8.2 The Fish Island AAP is adopted by the Council under section 23 of the Planning and Compulsory Purchase Act 2004 (as amended). The Council may only adopt the Fish Island AAP if they accept the modifications to the AAP suggested by the Inspector to this report. This report confirms this legal requirement.
- 8.2 Full Council is requested to adopt the Fish Island AAP as pursuant to section 9D(2) of the Local Government Act 2000 and regulation 4 and Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the adoption of a DPD is a function that is not to be the responsibility of a local authority's executive.

- 8.3 As set out at paragraph 6.16 of the report, an adoption statement must be prepared and published as soon as reasonably possible following adoption of the FI AAP in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 8.4 In carrying out the function of preparing and adopting a DPD, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The report indicates that an equality analysis has been carried out and no negative equality impacts arise.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 An Equalities Assessment has been undertaken in support of the FI AAP. The EqA assesses issues relating to the diversity of the borough including, race, gender, disability, age, sexual orientation faith and deprivation. The EiP did not disclose any impacts that required re-assessment of the equalities analysis. The EqA Report is included as part of the evidence base and is available upon request.
- 9.2 It should also be noted that the FI AAP supports the delivery of the Council's LDF Core Strategy, which was itself subject to EqA.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 A detailed Sustainability Appraisal has informed the preparation of the FI AAP. The Sustainability Appraisal Report is included as part of the evidence base and is available upon request.
- 10.2 In accordance with the LDF Core Strategy, the FI AAP will help ensure a greener environment in a number of ways, including: helping improve existing areas of open space and secure new areas of open space; promoting biodiversity; promoting sustainable transport options; and ensuring new buildings meet the highest environmental standards.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 An LDF Board was established in May 2010, chaired by the Corporate Director of Development & Renewal, to lead on the preparation of future planning documents within the LDF. Risk Management and mitigation is a standard item at monthly LDF Board meetings. As part of the Borough's LDF, the FI AAP has been subject to this risk management process.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 The FI AAP has specific policies to improve the safety and security of new developments and the surrounding public realm. These policies will contribute to ensuring that communities feel safe and secure.

13. EFFICIENCY STATEMENT

- 13.1 The FI AAP has been prepared in the context of the LDF Core Strategy and other relevant Council Strategies, such as the IDEA Store Strategy, Employment Strategy and Leisure Strategy. This means the FI AAP closely reflects Council priorities and the Council's capital planning process and fully compliments the Core Strategy vision of ensuring the timely provision of necessary social and physical infrastructure to support the growth in population and jobs in the Borough over the next 15 years.
- 13.2 The FI AAP will also ensure the Council has a fully up-to-date suite of planning documents which responds to the identified needs of the Borough and provides a more efficient basis for the determination of planning applications.

14. APPENDICES

Appendix 1 - Table of Modifications to the Fish Island AAP

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

| Brief description of "background papers" | Name and telephone number of holder and address where open to inspection. |
|--|---|
| N/A | |