

<p>Council</p> <p>21 February 2018</p>	
<p>Report of: Ann Sutcliffe, Acting Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits</p> <p>Submission to the secretary of state for independent examination</p>	

Lead Member	Councillor Rachel Blake, Cabinet Member for Strategic Development & Waste
Originating Officer(s)	Marissa Ryan-Hernandez (Strategic Planning Manager) & Philip Wadsworth (Local Plan Place Team Leader)
Wards Affected	All wards
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

1 EXECUTIVE SUMMARY

- 1.1 Consultation on the draft Tower Hamlets Local Plan (together with the Integrated Impact Assessment, Policies Map and Statement of Community Involvement Refresh) took place between Monday 2nd October and Monday 13th November 2017 (known as the regulation 19 stage).
- 1.2 In total, 126 individuals or organisations (including residents, businesses, community groups, government bodies, landowners and developers) responded to the regulation 19 consultation on the Local Plan. Between them they made 948 individual comments. Appendix 2 contains a summary of all the representations received and our response to the issues raised in the consultation.
- 1.3 Appendix 3 sets out a schedule of the minor modifications which respond to some of the issues raised through the consultation. Minor modifications are changes to typographical or grammatical errors, changes to improve clarity or changes to update facts. None of these changes relate to the soundness of the Local Plan and will not need to be considered at the forthcoming public examination.
- 1.4 The purpose of this report is to seek approval to submit the Tower Hamlets Local Plan (together with the Integrated Impact Assessment, supporting evidence base documents and the representations received during the consultation) to the secretary of state for independent public examination in line with regulation 22 of the Town and Country Planning, Local Planning (England) Regulations 2012.

2 DECISIONS REQUIRED

2.1 Council is recommended to:

1. Approve the submission of the regulation 19 version of the Tower Hamlets Local Plan and associated minor amendments table to the secretary of state for independent examination in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Statement of Community Involvement;
2. Approve the submission of the documents which support the Tower Hamlets Local Plan and have been developed in accordance with regulation 22 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. These are:
 - (a) the Integrated Impact Assessment;
 - (b) the Policies Map;
 - (c) the Statement of Consultation;
 - (d) the Duty to Cooperate Statement;
 - (e) the supporting evidence base; and
 - (f) copies of representations made during the regulation 19 consultation and the council's response to them; and
3. Authorise the Corporate Director of Place (Interim) in consultation with the Mayor and Lead Member for Strategic Development and Waste to make any further minor amendments in the minor amendments table.

3 REASONS FOR THE DECISION

- 3.1 Local Plans set a vision and framework for the future development of an area, addressing needs and opportunities, particularly in relation to housing, the economy, infrastructure provision and the protection of the environment. They are also a critical tool in guiding decisions on planning applications.
- 3.2 The National Planning Policy Framework (NPPF) expects local planning authorities to keep plans up-to-date and also review them, in whole or in part, in response to changing circumstances, such as new projections of population and employment growth and changes in national and regional guidance and policies. It also advises local planning authorities to prepare single plans combining strategic and detailed policies.
- 3.3 The Tower Hamlets Strategic Plan sets out a commitment to prepare a new Local Plan in order to appropriately manage and guide development anticipated over the next fifteen years.
- 3.4 The current adopted Local Plan consists of two documents:
 - Core Strategy - this sets out the overarching vision and strategic priorities for the future of the borough (adopted in 2010).
 - Managing Development Document - this sets out more detailed policies to guide development and identifies sites to help deliver the homes and infrastructure we need (adopted in 2013).

- 3.5 Although relatively recent documents, the introduction of new housing and job targets through the existing London Plan (Greater London Authority 2016), along with recent changes to national planning policy and legislation, mean it is appropriate for the council to bring forward a new Local Plan to manage increased growth and respond to emerging trends.
- 3.6 Once adopted, the Local Plan will replace the current policies set out in the Core Strategy and Managing Development Document and will be used to make decisions on planning applications.

4 ALTERNATIVE OPTIONS

OPTION A: RETAIN THE EXISTING LOCAL PLAN

- 4.1 The existing 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 2016 London Plan.
- 4.2 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.
- 4.3 By not allocating sufficient sites, the borough could miss out on the benefits of growth to the detriment of local people.
- 4.4 The evidence on which the current Local Plan is based is becoming increasingly out-of-date (for instance, it does not reflect the most up-to-date national and regional policies and legislation). The National Planning Policy Framework / 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.
- 4.5 It also means that in some cases the council's ability to successfully defend refusals at appeal would be compromised.

OPTION B: PARTIAL REVIEW OF EXISTING LOCAL PLAN (WHILE RETAINING ELEMENTS OF THE NEW LOCAL PLAN)

- 4.6 The vision set out in the Core Strategy no longer accurately reflects the future challenges, opportunities and aspirations of the council, its partners and the local community, as set out in the Tower Hamlets Partnership Community Plan 2015. As a result, it makes sense that a new vision for the Local Plan be prepared.
- 4.7 The policies in the Local Plan should be read as a whole and should be considered together as part of any review.
- 4.8 Changes to population and new government legislation/guidance have rendered much of the evidence out-of-date.

4.9 With further amendments to planning legislation/government guidance and another new London Plan forthcoming, it is highly likely that a further detailed review of the existing Local Plan would be required in the near future, whereas a whole new Local Plan would have greater longevity and be easier to update should a need arise.

OPTION C: DELAY SUBMISSION AND UNDERTAKE FURTHER MAIN MODIFICATIONS AND ANOTHER REGULATION 19 CONSULTATION

4.10 Reverting back to a previous stage to re-consult on the Local Plan would cause significant delay in the process. Any further consultation would only be considered necessary where fundamental issues concerning the policies have been raised during the regulation 19 consultation with significant implications for the overall direction of the plan which would need to be resolved before the plan can be submitted to the secretary of state. However, this does not represent a credible alternative given the need to urgently bring forward development site allocations alongside supporting infrastructure in order to meet the highest housing target in London and, in turn, positively spread the benefits of this growth across the borough's communities, while protecting the character and distinctiveness of the environment. As explained in section 8 below, none of the representations on the regulation 19 consultation are considered to present fundamental challenges to the overall direction of the plan and in the majority of cases should be able to be addressed through minor modifications.

4.11 Moreover, the government has set out a clear intention to intervene where authorities are failing to make sufficient progress in respect of plan making. As such, significant delay could result in Tower Hamlets losing control of plan making within the borough.

5. BACKGROUND

5.1 The Tower Hamlets Local Plan is the borough's key planning document and is a statutory requirement. It sets out policies to guide 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 2031¹. More specifically, it set out:

- a vision of what the borough will look and feel like in 2031;
- a series of objectives and supporting actions on how the benefits of this growth can be shared across the borough;
- a range of policies to inform and positively shape future development and investment decisions, such as new homes, jobs and supporting infrastructure;
- a series of priorities and principles that will guide and inform the future development of the borough's individual places and key sites;
- a map showing the designations such as protected open space and the sites where new development will take place; and
- details on how we will implement and monitor these policies.

¹ 2016 represents the base date of the Local Plan and coincides with the start of the preparation process.

5.2 The Tower Hamlets Local Plan has now reached an advanced stage in its preparation, following three rounds of consultation (as set out in table 1 overleaf). The policies of the Local Plan have been drawn up in the light of a comprehensive evidence base (relevant supporting documents are listed in appendix 4).

6 STAGES OF PLAN PREPARATION

6.1 Development Plan Documents (Local Plans) must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This requires the Local Plan to be (amongst other things):

- subject to rounds of consultation;
- submitted to the secretary of state to undergo an independent examination in public; and
- subject to an sustainability appraisal to test the impacts of the plan throughout its preparation. (In Tower Hamlets, this process has been integrated into a single appraisal tool, known as Integrated Impact Assessment, which also includes the Habitat Regulations Assessment and Equalities Impact Assessment.)

6.2 The preparation and adoption of new Local Plans must adhere with statutory regulations set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 of the legislation requires the proposed submission Local Plan and supporting documents to be made available for consultation. The purpose of this stage is to test the legal and technical soundness of the plan as a whole.

7 REGULATION 19 CONSULTATION

7.1 Following Cabinet approval in September 2017, the consultation on the proposed submission version of the Local Plan (known as the regulation 19 stage) ran from Monday 2nd October until 5pm on Monday 13th November 2017. The consultation is focused on a series of tests set out in government guidance and the regulations, as described below. The proposed submission version is set out in appendix 1.

7.2 The proposed submission version of the Local Plan (together with associated supporting documents) was published on the council's website (www.towerhamlets.gov.uk/localplan) and residents, businesses, developers, landowners and other stakeholders were able to make comments on the document online (via the council's consultation portal at <http://towerhamlets-consult.objective.co.uk/portal>) or via email and post. Hard copies of the Local Plan and the response form were also made available to view at idea stores and libraries throughout the borough. We also produced a short leaflet summarising the content of the Local Plan and how people and organisations should respond to the consultation.

7.3 Over 1200 organisations and individuals were notified about the regulation 19 consultation via letter or email from the council's database, giving details of how they could respond to the consultation and where and when consultation activities would be taking place. These included: statutory agencies, government bodies, developers, landowners, adjoining local authorities, community groups, voluntary organisations and local residents. The consultation was also advertised through

various means, including social media, meetings, workshops and the local press. The consultation was also featured on the front page of the council's website, which informs all users of the website and provides a link to access the consultation.

7.4 Three public events were held during the period of consultation at the following locations.

Date	Time	Venue	Number of attendees
Wednesday 11 October 2017	6:30pm - 8:30pm	Idea Store Whitechapel, 321 Whitechapel Road, London, E1 1BU	5
Monday 16 October 2017	6:30pm - 8:30pm	Jack Dash House, 2 Lawn House Close, Isle of Dogs, E14 9YQ.	32
Thursday 19 October 2017	2pm - 4pm	Bethnal Green Library, Cambridge Heath Road, London, E2 0HL	11

7.5 These events outlined the role of the consultation and provided an opportunity to explain to the general public and other interested parties how they could respond to the consultation as well as the procedures which needed to be followed. All of these venues were chosen on the basis of their availability and accessibility, being centrally located in the heart of the borough close to public transport routes. The consultation arrangements went beyond the statutory requirements and complied with the standards set in the Statement of Community Involvement.

7.7 In total, 126 individuals or organisations (including residents, local authorities, government bodies, businesses, community groups, landowners and developers) responded to the regulation 19 consultation on the Local Plan. Between them they made 948 individual comments.

7.8 The overall approach to directing growth towards the opportunity areas (Isle of Dogs and South Poplar; City Fringe and Lower Lea Valley) and key transport interchanges within the borough has enjoyed broad consensus among consultees, and relatively few respondents have challenged the housing trajectory and the council's five year land supply position.

7.9 Statutory bodies (including Greater London Authority, Environment Agency, Natural England, Heritage England, Highways Agency and Transport for London) are generally supportive of the Local Plan and have raised no objections on the grounds of soundness and legal compliance (apart from Sports England). All responses from neighbouring authorities have been positive and reflect the work that has been undertaken jointly on cross-boundary strategic priorities.

7.10 In general, developers and landowners argue that some of the policies are too prescriptive and should be made more flexible to take account of site constraints and market conditions (a reiteration of previous comments from regulation 18). The stepped down approach to tall buildings has been challenged but the tall building zones and other relevant designations (e.g. London wide landmarks) are supported in principle. Some developers and landowners are seeking to allocate new sites, extend existing designations (e.g. town centre boundaries) and proposed allocations or create new designations (e.g. Queen Mary University) in order to facilitate development and investment opportunities. Other respondents

are seeking further clarification on the meaning of some of the definitions and terms within the glossary and supporting text.

- 7.11 The development industry has raised no objections regarding our approach to mass waste collection systems although some landowners are objecting to the safeguarding of areas of search.
- 7.12 Responses have also been received from local councillors, resident groups and community organisations, the majority of which focused on the protection and enhancement of locally important heritage assets (including a petition from 3,912 signatures to retain gasholders in Bethnal Green) and estate regeneration.
- 7.13 None of these issues are, however, considered to be insurmountable from a soundness and legal perspective at this stage. The majority of these representations can be addressed through minor modifications (see below).
- 7.14 We consider that the Local Plan on the whole is sound and legally compliant. However, it is clear that some of the objections cannot be resolved at this stage and will need to be discussed and scrutinised through the public examination which is standard practice in the Local Plan process.
- 7.15 The process, analysis and responses to these key issues and all of the other representations are set out in the following documents.
- Statement of engagement. This includes a summary of the representations, issues raised and the council's response to them (appendix 2)
 - Schedule of minor amendments. This identifies minor modifications to the regulation 19 version of the Local Plan (appendix 3).
- 7.16 Additional evidence has been produced in the light of representations arising from the regulation 19 consultation and where it is anticipated there will be particular challenge and scrutiny on specific topics at the forthcoming examination in public. The evidence base (as listed in appendix 4) has been produced to ensure that the policies and proposals set out in the plan are robust, deliverable and based on objectively assessed needs, taking account of viability and other relevant considerations.

8 REGULATORY REQUIREMENTS FOR THE SUBMISSION STAGE AND HOW THEY HAVE BEEN ADDRESSED

- 8.1 As explained above, the Local Plan must demonstrate soundness and legal compliance in line with the regulations. Soundness relates to the content of the plan and the strategy it proposes. Legal compliance relates to the process of how the plan has been prepared.

Legal compliance

- 8.2 The legal and procedural tests which will be considered at the independent examination are as follows.
- Has consultation taken place in accordance with the Statement of Community Involvement?

- Have the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended been met?
- Has a proper Sustainability Appraisal and Habitat Regulations Assessment been carried out?
- Has the duty to co-operate been carried out (as per section 110 of the Localism Act)?
- Is the document identified in the Local Development Scheme and has the programme been met?

8.3 We consider that the Local Plan has been prepared in accordance with the requirements of the Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012. The table below sets out the engagement that has taken place upon what the plan should contain (regulation 18) and the draft proposed submission plan (regulation 19). Full details of the measures taken to consult on the Local Plan are set out in the Statement of Consultation.

8.4 The Local Plan has involved extensive engagement with the local community, residents, businesses, developers, statutory bodies, government agencies, the voluntary sector and partner agencies throughout its preparation, whose involvement has helped to positively shape and inform the content of the Local Plan, including the vision, objectives and policies.

Key stages	When	Stage	Purpose / nature of stage	Number of responses
Our Borough, Our Plan: A New Local Plan First Steps'	January - February 2016	Regulation 18	<ul style="list-style-type: none"> • Review of new and emerging policy and legislation, market changes, political priorities etc. • Outline scope of the plan • Key challenges / opportunities 	130 representations were received which contained 1,235 individual comments.
Tower Hamlets Draft Local Plan 2031: Managing Growth and Sharing Benefits	November 2016 - January 2017	Regulation 18	<ul style="list-style-type: none"> • Draft version of the Local Plan which included policies and site allocations. • Extensive engagement with internal and external stakeholders and members • Council's preferred approach based on evidence • Public drop-in events, area-specific workshops and bespoke meetings with specific groups (e.g. Tower Hamlets Housing Forum and the Youth Council) • Advertised in press and social media 	103 representations were received which contained 908 individual comments.
Tower Hamlets Draft Local Plan 2031: Managing Growth and Sharing Benefits	October – November 2017	Regulation 19	<ul style="list-style-type: none"> • Formal comments were sought on the final draft Local Plan. Please note: this is the version that the council is proposing to submit to the secretary of state. • This consultation focussed on soundness and legal compliance • Public workshops • Advertised in press and social media 	126 representations were received which contained 948 separate comments

- 8.5 An Integrated Impact Assessment has been carried out at each stage of the plan's preparation in accordance with the legal requirements set out in the regulations. It brings together a number of different assessments (Sustainability Appraisal/Strategic Environment Assessment, Health Impact Assessment, Equalities Impact Assessment and Habitat Regulations Assessment) into a single framework to ensure the Local Plan meets the principles of sustainable development.
- 8.6 The duty to cooperate places a legal duty on local planning authorities to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation. We have prepared a statement demonstrating how we have effectively cooperated with neighbouring authorities and other public bodies on strategic cross-boundary planning matters (for example, in terms of the delivery of new housing and the provision of infrastructure and community facilities) to produce effective and robust policies within the Local Plan (as listed in appendix 4).
- 8.7 The Local Plan has also been prepared in accordance with the timetable set out in the latest Local Development Scheme.
- 8.8 The Mayor of London has confirmed that the proposed submission version of the Local Plan is in conformity with the existing adopted London Plan subject to a review within 10 years of adoption. The council's response to this is outlined in the statement of engagement (appendix 2).
- 8.9 The Mayor of London has also been out to consultation on a new draft London Plan, which will eventually replace the current version. The consultation began on Friday 1st December 2017 and ends on Friday 2nd March 2018, postdating the statutory public consultation on the Tower Hamlets Local Plan. We consider that the content of the Tower Hamlets Local Plan broadly aligns with those policies set out in the emerging London Plan. This is because we have been working collaboratively with the Greater London Authority throughout the process of preparing the Local Plan.

Soundness

- 8.10 The starting point for the examination is the assumption that the council has submitted what it considers to be a 'sound' plan. To be sound, the Local Plan must be²:
- positively prepared – be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - justified – be the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - effective – be deliverable over the plan period and based on effective joint working on cross boundary strategic priorities; and

² The tests of soundness are set out in paragraph 182 of the National Planning Framework.

- consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

8.11 We consider that the Local Plan has been positively prepared, is effective, can be justified and is consistent with national planning policy set out in the National Planning Policy Framework.

8.12 In response to the representations from the regulation 19 consultation, a limited number of minor modifications have been proposed to the draft Local Plan and the Policies Map (as outlined in appendix 3). The regulations allow local authorities to make minor changes (known as ‘minor modifications’) to the Local Plan prior to submission, so long as they do not fundamentally alter the substance or strategic direction of the policies. These changes will not go to the soundness of the plan but are largely confined to typographical/grammatical amendments, factual updates, additional clarification or editorial changes that improve the plan as a whole.

8.13 The analysis of the representations and the discussion with statutory bodies and other relevant stakeholders indicates that the Local Plan does not require any main modifications at this stage³.

8.14 We consider that the Local Plan has been prepared in accordance with the regulations and complies with the tests of soundness and legal compliance and on this basis should proceed to submission.

9 NEXT STEPS

9.1 Subject to Full Council approval, the Tower Hamlets Local Plan (along with the documents listed below) will be submitted to the secretary of state to undergo an independent examination in public in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) 2012.

9.2 Regulation 22 of the planning regulations set out what has to be submitted to the secretary of state in both paper and electronic form. This includes:

- the full draft version of Local Plan (regulation 19 consultation document);
- the Policies Map;
- an assessment of the potential social, economic and environmental effects of the Local Plan (Sustainability Appraisal / Strategic Environment Assessment);
- the schedule of minor modifications;
- copies of all the representations made in response to the regulation 19 consultation;
- a consultation statement setting out who has been invited to make representations, how they were invited to make representations, a summary of the main issues they raised and how these have been taken into account;
- a statement setting how we complied with the duty to cooperate; and

³ ‘Main modifications’ are changes which, either alone or in combination with others, materially alter the plan or its policies. These will be based on discussions during the examination. Any main modifications will need to be subject to consultation and in some cases further sustainability appraisal (i.e. integrated impact assessment) might also be required.

- copies of all the relevant supporting documents that have informed the preparation of the Local Plan.
- 9.3 As soon as possible after submission, we will publicise the decision to submit the Local Plan to the secretary of state in the local press and on the council's web site and will contact everyone who has shown an interest in the Local Plan or requested to be notified that it has been submitted to the secretary of state.
- 9.4 We have appointed a programme officer to support the examination process. The programme officer will act independently on behalf of the planning inspector to organise and manage the administrative and procedural matters of the examination process, acting as the point of contact for any queries relating to timetabling or procedural matters.
- 9.5 In addition, statements of common ground are in the process of being prepared to demonstrate key areas of agreement between the council and interested parties with regard to the Local Plan and its supporting evidence base. This includes matters concerning the allocation of land and the provision of infrastructure. These will also highlight outstanding matters between parties which may require further discussion during the examination process.

Examination

- 9.6 The examination process, in effect, will start at the point of submission. The secretary of state will appoint an independent planning inspector to undertake the examination to ensure the Local Plan meets the requirements set out in national policy and legislation, as set out in section 8 above.
- 9.6 At the examination, the planning inspector will carefully consider the draft Local Plan, the evidence which underpins it and the representations received at the regulation 19 consultation (October – November 2017). The role of the planning inspector is to decide whether it is sound and legally compliant. The planning inspector will conduct a series of public hearing sessions as part of the examination process.
- 9.7 The examination hearing sessions are scheduled to take place at the Town Hall at Mulberry Place in late spring / early summer 2018 following the council elections. Please note: those who are objecting to the plan may be asked to attend the hearings. Expert witnesses may also be called upon.
- 9.8 At the end of the examination, the planning inspector will publish a report into the soundness of the Local Plan. This will set out recommendations on how the Local Plan might need to be revised.
- 9.9 The planning inspector may recommend main modifications to the Local Plan (see paragraph 8.13 above) which are necessary in order to make it sound and legally compliant. We would need to request these changes in writing and then undertake a 6-week period of consultation during the examination period. The inspector will consider the representations received on these modifications when preparing his or her final report. However, there is no indication at this stage that the Local Plan will require any major modifications.

9.10 If the inspector identifies any fundamental issues with the plan during the examination, they may recommend to us that the plan should not be adopted. At this point, we will need to consider whether to withdraw the plan and prepare a new plan, which would mean going back to the regulation 19 stage again and re-submitting it to the secretary of state following the consultation. However, we remain confident that the Local Plan will be found sound and legally compliant at the examination.

Adoption

9.11 If the Local Plan is deemed to be sound and legally compliant, the planning inspector will advise us to proceed through to adoption.

9.12 The Local Plan will also be finalised prior to adoption to include alterations to the wording of its policies and proposals and graphics in the light of the inspector's recommendations. The adopted version will also be desk-top published.

9.13 Following receipt of the inspector's report, we will seek to formally adopt the Local Plan in line with the inspector's recommendations. Full Council and the Mayor of Tower Hamlets will be asked to formally endorse the adoption of the Local Plan and remove the Core Strategy and Management Development Plan Document.

Status of the Local Plan

9.14 The degree of weight that can be attached to the new Local Plan in the determination of planning applications will depend on the stage it has reached during its preparation. The Local Plan currently carries only limited weight because its policies and proposals have not yet been tested through the examination. Once adopted, the Local Plan will carry full weight in the determination of planning applications.

9.15 Once adopted, the Local Plan will form part of the borough's statutory development plan alongside the London Plan and any relevant neighbourhood plans.

9.16 Officers from the Plan Making team will continue to work closely with the Development Management team to assist the decision making process on the determination of planning applications as the Local Plan progresses through to adoption.

9.17 The indicative timetable for the next steps towards adoption in accordance with statutory requirements is set out below.

Key tasks	Stage	Reporting	Timescale
Submit the new Local Plan to the secretary of state	Submission (regulation 22)	Full Council	Early 2018
Examination in public	Regulation 24		Anticipated Spring 2018
Adopt the new Local Plan	Regulation 26	Full Council	Late 2018

10 COMMENTS OF THE CHIEF FINANCE OFFICER

- 10.1 This report seeks approval to submit the proposed Tower Hamlets Local Plan 2031 along with the representations received to the secretary of state.
- 10.2 Whilst there are no specific financial consequences arising directly from the recommendations in the report, ultimately the Local Plan 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 Medium Term Financial Strategy and Capital Strategy. In particular, it will provide the basis for estimating the need for and cost of providing council services based on changes to the borough's population together with the additional revenue generated from locally generated funding sources – council tax and increasingly business rates.
- 10.3 The various studies and evidence required to support the plan 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. The Local Plan and supporting data will also provide evidence to determine the charging schedules in relation to section 106 obligations and the Community Infrastructure Levy, and to inform decisions concerning the appropriate use of the resources secured.
- 10.4 The main costs associated with the development of the Local Plan are staffing-related and are financed from within existing resources. The examination process will lead to expenditure on items such as the hiring of consultants, printing/advertising and the fees associated with the appointment of a planning inspector to hold the public examination, for which there is existing budgetary provision.

11 LEGAL COMMENTS

- 11.1 This report seeks the approval from Full Council to submit the proposed *Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits* to the secretary of state to undergo an independent examination, along with supporting documents.
- 11.2 It is a statutory requirement for a local planning authority to identify the strategic priorities for the development and use of land in the authority's area, and the policies to address these priorities must be set out in the development plan documents, except where policies to address those priorities are set out in the spatial development strategy (the London Plan).
- 11.3 The development plan (see paragraph 9.15 above) represents the starting point for assessing and determining planning applications. Planning applications must be determination must be made in accordance with the development plan unless material considerations indicate otherwise (as per section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 11.4 The requirements relating to the preparation/consultation, examination and adoption of a development plan document are laid out in the Planning and

Compulsory Purchase Act 2004, The Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations) and the National Planning Policy Framework.

- 11.5 Pursuant to section 19 of the Planning and Compulsory Purchase Act 2004, as part of the borough's development plan, the Local Plan must:
- a. be prepared in accordance with the council's Local Development Scheme; and
 - b. taken as a whole include policies designed to secure that the development and use of land in the council's area contribute to the mitigation of, and adaptation to, climate change.
- 11.6 The Local Plan must also be in general conformity with the Spatial Development Strategy for London (known as the London Plan).
- 11.7 Section 19 of the Planning and Compulsory Purchase Act 2004 and regulations 8, 9 and 10 of the 2012 regulations set out the requirements for Local Plans, and matters to which the local planning authority must have regard in preparing the plan. In preparing the Local Plan, the council are required to (amongst other things):
- have regard to, *inter alia*, national policies and advice contained in guidance from the secretary of state and the London Plan;
 - comply with the council's Statement of Community Involvement;
 - carry out an appraisal of the sustainability of the proposals in the document and prepare a report of the findings of the appraisal; and
 - comply with the duty to co-operate with other local planning authorities and prescribed bodies and persons in respect of strategic matters.
- 11.8 Officers are seeking approval from Full Council to submit the Local Plan to the secretary of state. This is because the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that the process of preparation of a development plan document is an executive responsibility but the formal process of submission to the secretary of state and its adoption is the responsibility of Full Council (regulation 4).

Equalities

- 11.9 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 victimization 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.
- 11.10 In respect of the Local Plan, an equalities impact assessment has been carried out as part of the Integrated Impact Assessment which concludes that the Local

Plan will generally have positive outcomes on the wellbeing and the quality of life of protected groups, particularly those who face discrimination, disadvantage and prejudice, with no significant adverse impacts identified. The Integrated Impact Assessment will also ensure that the council complies with its duties under the Conservation of Habitats and Species Regulations 2010 and the Environmental Assessment of Plans and Programmes Regulations 2004.

- 11.11 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.

12 ONE TOWER HAMLETS CONSIDERATIONS

- 12.1 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. 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.

13 BEST VALUE (BV) IMPLICATIONS

- 13.1 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.

14 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 14.1 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.

14.2 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.

15 RISK MANAGEMENT IMPLICATIONS

15.1 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.

15.2 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.

16 CRIME AND DISORDER REDUCTION IMPLICATIONS

16.1 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.

17 SAFEGUARDING IMPLICATIONS

17.1 The Local Plan is not considered to give rise to any safeguarding implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

Appendix 1: Proposed submission version of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (please note: Cabinet members were all given copies of the printed version of the document so it has not been replicated in the MAB pack).

Appendix 2: Summary of representations

Appendix 3: Schedule of minor amendments

Appendix 4: Local Plan documents to be submitted to the secretary of state for examination

Appendix 5: Local Plan risk register

Officer contact details for documents:

- N/A