


<b>Cabinet</b>  24 July 2024	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Paul Patterson, Corporate Director for Housing and Regeneration	<b>Classification:</b> Unrestricted
<b>Tower Hamlets Local Plan 2023 – 2038 – Regulation 19 Consultation, Proposed Submission Version</b>	

<b>Lead Member</b>	<b>Councillor Kabir Ahmed, Cabinet Member for Regeneration, Inclusive Development, and Housebuilding</b>
<b>Originating Officer(s)</b>	Marissa Ryan-Hernandez, Strategic Planning Manager Steven Heywood, Principal Planning Officer, Strategic Planning Team
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Reason for Key Decision</b>	Significant impact on wards
<b>Forward Plan Notice Published</b>	26 April 2024
<b>Exempt information</b>	N/A
<b>Strategic Plan Priority / Outcome</b>	<ul style="list-style-type: none"> <li>• Homes for the future</li> <li>• Boost culture, business, jobs and leisure</li> <li>• A clean and green future</li> <li>• A council that works for you and listens to you</li> </ul>

## **Executive Summary**

The Local Plan is the borough's most important planning document. It sets out a vision, strategic priorities, planning policy framework, and site allocations that guide all development in the borough. Its purpose is to help inform decisions on planning applications and to meet the council's national and regional planning policy duties, as well as achieving local objectives as set out in the Mayor's Strategic Plan, including delivering the housing, and particularly social housing. The borough needs, to help address overcrowding – standing at 12,000-15,000 – and the social, economic and health inequalities that are directly related to it as well as the new government's ambitious 1.5 million new homes target (300,000 per annum). The council is willing to go high and dense to help meet its local needs but also the government's ambitious targets. To date, the council has excelled in delivery of affordable homes between 2008-2014. In this period, three years in a row, the council delivered the most homes in the country and received £90m new homes bonus, and this ambition to continue delivering remains. The Local Plan also promotes community and regeneration benefits, as well as facilitating the delivery of high-quality jobs and community infrastructure for our residents.

The preparation of a new Local Plan has been identified as a priority for the council, to help manage future population growth and meet the needs of existing and future residents and communities, as well as to respond to major planning policy changes that have taken place at a national and regional level since the current Local Plan was adopted in 2020. The development of the new Local Plan has involved significant internal and external consultation, and the development of an up-to-date evidence base, to ensure that the proposals within the plan are positively prepared and justified by an understanding of the needs of the borough. In drafting the Local Plan, the council have sought to explore and test the parameters of higher order policies and their requirements on boroughs when writing policy, and it does so as it believes the issues our communities face, require a new response and approach when addressing challenges such as the housing need crisis and the implications this has on our communities.

This report seeks approval to undertake a six-week consultation on a proposed submission version of the new Local Plan, with an associated policies map, Integrated Impact Assessment (IIA), consultation statement, and supporting evidence base documents. Following this consultation, and after a further resolution by Full Council, these documents and any representations received as part of the consultation will be submitted to the Secretary of State for Housing, Communities and Local Government to begin an independent examination in public. This process will determine whether the plan is sound and legally compliant and can be adopted by the council.

## **Reasons for Urgency**

The Mayor asked officers to make a change to the approach to tall buildings, including exploration of the removal of maximum heights from some site allocations. This was due to the fact that it was believed this may help identify opportunities for the delivery of homes, and specifically affordable homes. Furthermore, the Mayor

has asked that officers take account of the new government's aspirations. Making the changes in the Cabinet report and appendices has required additional time.

The item must be considered at this Cabinet meeting on 24 July, as delaying further until September will delay the much-needed consultation on the policies in the Regulation 19 Local Plan, which the Mayor is keen to get feedback on. This is required in order to finalise the Plan, so that it can begin to be implemented and help with facilitating the delivery of homes. Furthermore, delaying the report to Cabinet increases the risk of missing the transitional deadline to develop a Local Plan under the current Act.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Consider this cabinet report which seeks to progress the Local Plan and approve one of the following options:
  - Option A – Publication of the Local Plan, with changes to the approach to tall buildings, with the aim to increase housing supply to the borough and note the legal and finance sections of the report
  - Option B – Publication of the Local Plan, without changes to the approach to tall buildings
  - Option C – Retain the current local plan
  - Option D – Undertake partial review of current Local Plan
  - Option E – Undertake further work on the new Local Plan before consultation and submission
2. Note that alongside publication of the chosen proposed submission version of the Tower Hamlets Local Plan 2038, the accompanying policies map, Integrated Impact Assessment, consultation statement, and evidence base studies will also be published for the six-week public consultation;
3. Authorise the Corporate Director for Housing and Regeneration, in consultation with the Mayor, to make any appropriate and necessary minor amendments to the chosen proposed submission version of the Local Plan and any associated documents prior to the commencement of the consultation, should Cabinet approve publication;
4. Agree that, following Regulation 19 consultation, a report will be brought to Full Council noting any risks emerging from the Regulation 19 consultation responses and seeking approval to submit the Local Plan and associated documents to the Secretary of State for Housing, Communities and Local Government to begin an independent examination in public.

# **1 REASONS FOR THE DECISIONS**

- 1.1 Local plans are a key document within the English planning system, with their role and content laid out under the Town and Country Planning Act 1990 (TCPA) and the Planning and Compulsory Purchase Act 2004 (PCPA), and related regulations. They provide an opportunity for a Local Planning Authority to set out a strategic vision for how development within their area should take place, and to set out detailed policies against which proposals for new development will be assessed. This ensures that decisions about development are taken positively, and that residents, councillors and developers have a clear understanding of the kind of development that will be considered acceptable. If a development proposal conforms with the development plan for an area (which includes the London Plan, the Local Plan, and any relevant neighbourhood plans), there is a strong presumption in national policy that it should be approved; where a proposal conflicts with the development plan, permission should not usually be granted.
- 1.2 The proposed submission versions of the Local Plan submitted with this report has been through significant internal consultation with relevant teams across the council and reflects the council's priorities in areas including affordable housing, housing quality, tall buildings, employment policy, community infrastructure, environmental policy, and transport and connectivity. It has also undergone two rounds of public consultation – an early engagement exercise to determine what the plan should include, and a statutory consultation (known as a Regulation 18 consultation) on a previous draft of the plan. The next stage of the plan making process under the legislation is a second round of statutory consultation, known as a Regulation 19 consultation, and then submission of the plan to the Secretary of State to begin the examination process.
- 1.3 The National Planning Policy Framework (NPPF, latest version dated December 2023) is the key document setting out national planning policy. The current version states that “policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary” (paragraph 33). If local plans are not reviewed and, where necessary, updated every five years there is a risk that the policies the plan contains may be considered out-of-date. If the relevant policies for determining an application are considered out-of-date, the NPPF sets a strong presumption in favour of granting permission even where there is a conflict with those policies. This situation can lead to the council losing planning appeals, and inappropriate development being granted permission.
- 1.4 The Levelling Up and Regeneration Act (LURA 2023) introduced a new approach to the plan-making system. This would necessitate a different approach to the production of a local plan. However, under transitional arrangements, plans submitted to the Secretary of State before 30 June 2025 will be examined under the existing plan-making system. The recommendations in this report would ensure that the Local Plan can be

submitted before that deadline – if this is not achieved, the process of producing a sound local plan will need to begin again under the new system introduced by the LURA 2023, adding significant delay and cost to the process.

- 1.5 In addition to the legal and national policy requirements to produce a new local plan, there have been a number of social, environmental, political, economic and local changes that require an up-to-date response, including acute overcrowding, the impacts of the coronavirus pandemic and Brexit, the cost-of-living crisis, the election of a new administration in Tower Hamlets and new planning ambitions of the incoming national Labour government. Imminent publication of a revised version of the NPPF has been trailed by the new national government, but as of writing, has yet to be published. It is expected at the end of July 2024.
- 1.6 The council's current Local Plan was adopted in January 2020. The recommendations in this report would ensure that the updated Local Plan can be submitted well before the 30 June 2025 deadline, and the new Local Plan will be adopted in 2025 (subject to Planning Inspectorate timescales for the examination), ensuring that the development plan for the borough remains up-to-date and the council will be able to continue making positive decisions on planning applications in line with the strategic vision and detailed requirements of the Local Plan.

## **2** **OPTIONS**

### **OPTION A – APPROVE PUBLICATION OF THE LOCAL PLAN, WITH CHANGES TO THE APPROACH TO TALL BUILDINGS**

- 2.1 This option responds to the statement from the Mayor at the 10 July 2024 Cabinet meeting, in which he stated that he had asked officers to explore the removal of maximum heights from some allocations in order to identify opportunities for the delivery of new homes. On this basis, he asked for the Local Plan agenda item to be postponed until the 24 July 2024 Cabinet meeting to provide the time to make these changes. It should be noted that there are a range of legal and finance risks associated with this option.
- 2.2 This option is to approve the publication of a version of the Local Plan that includes significant changes to the approach to tall buildings. These changes include:
  - Removal of the reference to an appropriate maximum height from Tall Buildings Zone B (Canary Wharf)
  - Removal of references to appropriate heights from nine site allocations, including all six allocations within Tall Buildings Zone B. The sites in question are North Quay, Billingsgate Market, Wood Wharf, 10 Bank Street, Westferry/Park Place, Riverside South, Marsh Wall East, Limeharbour, and Blackwall Trading Estate and Council Depot.

- Removal of references to the need for building heights to step down from One Canada Square and references to the importance of protecting views to One Canada Square as the focal point of Tall Building Zone B
- 2.3 All other site allocations and tall building zones will retain their references to appropriate heights. The potential implication is that Tall Building Zone B and the nine site allocations referenced above would have greater flexibility to negotiate taller buildings, if the plan is adopted as currently drafted, as there would be no limit on their height set by the policies or allocations.
- 2.4 This is a more permissive approach to tall buildings than was consulted on at Regulation 18 and could potentially lead to additional housing being developed within the borough through the delivery of very tall buildings in these locations. However, the London Plan requires that boroughs identify locations where tall buildings are considered suitable and appropriate heights within those locations. Under Option A, there is therefore a risk that the plan will be found to be not in conformity with the London Plan. This could delay the examination of the plan or potentially lead to it being found unsound. This accordingly, would result in the risks associated with not having an up to date plan, set out elsewhere in this report. (i.e. option C)
- 2.5 Additionally, the approach in Option A does not reflect the evidence base prepared for the Local Plan, which included design-led site capacity studies of sites in order to determine appropriate heights, a characterisation and growth strategy to determine areas suitable for tall buildings, and a views and landmarks study to determine views that should be protected in the plan. This raises the risk of a planning inspector finding the plan not to be justified, which would also delay the examination of the plan or potentially lead to it being found unsound. Wider considerations, such as the national, regional and local priority to accelerate housing delivery, hold weight, and the policy has been redrafted to reflect this.

#### **OPTION B – APPROVE PUBLICATION OF THE LOCAL PLAN, WITHOUT CHANGES TO THE APPROACH TO TALL BUILDINGS**

- 2.6 This option is to approve the publication of a version of the Local Plan that does not include a revised approach to tall buildings, (as compared to the regulation-18 version of the draft plan) discussed under Option A. Under this option, all site allocations and Tall Building Zones would retain references to appropriate heights. This option reduces the legal and finance risks in comparison to Option A.
- 2.7 This would be a less permissive approach to tall buildings than Option A, in the sense that Tall Building Zone B and the nine site allocations would have limits to their height set by the policies and allocations. The borough would still have one of the most permissive tall building policies in the country, due to the introduction of the extensive Tall Building Zone F through the Regulation 18 consultation.

- 2.8 This option would follow the requirement of the London Plan to identify locations suitable for tall buildings and appropriate heights within those locations. It would also more closely follow the evidence base, particularly the design-led site capacity studies and the views and landmarks study. On this basis, Option B reduces the risk of the plan being found unsound.

### **OPTION C – RETAIN THE CURRENT LOCAL PLAN**

- 2.9 This option is not recommended, because it would create a heightened risk of policies within the plan being found out-of-date. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans at least once every five years from their adoption date to ensure they remain up-to-date. If a local authority does not have an up-to-date plan, there is a risk that paragraph 11 of the NPPF will be triggered and policies within the adopted plan will be found out-of-date. In these circumstances, applicants could appeal the council's planning decisions, and if a planning inspector agreed that relevant policies are out-of-date, the NPPF sets out a strong presumption in favour of permission being granted – even where aspects of the proposal may be in conflict with the council's adopted policy positions.
- 2.10 Without a new local plan, the council is not able to best respond to updates in planning legislation and national and regional guidance – in particular, the current Local Plan was prepared before the adoption of the current London Plan, and there are some areas where the current Local Plan is not in conformity with the London Plan, creating the opportunity for conflict within the development plan.
- 2.11 Similarly, any changes to local planning policy that are required, either due to changes in local needs for housing and infrastructure or new political priorities, can only be implemented through the delivery of a new local plan.
- 2.12 Furthermore, this option was previously presented to Cabinet on 25 October 2023, as an alternative option on the report recommending approval to begin the first statutory consultation on the new Local Plan. Cabinet declined to take this option.

### **OPTION D – UNDERTAKE PARTIAL REVIEW OF CURRENT LOCAL PLAN**

- 2.13 This option could be taken by Cabinet if they feel that only a review of certain policies in the Local Plan is needed, either to respond to changes in legislation and national policy or to reflect very specific political priorities.
- 2.14 This option is not recommended for three reasons. Firstly, there have been a number of economic, social and political changes since the current Local Plan was adopted, and much of the evidence base that the current plan was based on is now out-of-date and does not reflect changes to the demographics of the borough, or changes brought about by the impacts of the cost of living crisis, Brexit, or the coronavirus pandemic. A new Strategic

Plan has also been prepared since the current Local Plan was adopted, and this clearly sets out a new vision and set of aspirations for the borough. On this basis, the number of necessary changes points to the need for a full review rather than a partial one.

- 2.15 Secondly, policies in a local plan should be read as a whole, and it is difficult to disentangle the effects of one policy from another. Conducting a partial review that attempts to only change a few policies can therefore become complicated and time- and resource-consuming as the knock-on effects of cumulative changes becomes apparent.
- 2.16 Thirdly, Cabinet was presented with this option on 25 October 2023, as an alternative option on the report recommending approval to begin the first statutory consultation on the new Local Plan, and declined to take it. Since that decision, significant time and resources have been expended on preparing a fully updated version of the Local Plan that reflects the priorities of the Strategic Plan, in line with Cabinet's decision to move ahead with a full review. To now revert to a partial review would require further time and resources to be invested in returning to the current Local Plan and preparing a partially updated version, and would, as with Option A, cause a delay that could lead to the current Local Plan policies being considered out-of-date, creating a risk of development being granted permission despite conflicts with the council's planning policies.

#### **OPTION E – UNDERTAKE FURTHER WORK ON THE NEW LOCAL PLAN BEFORE CONSULTATION AND SUBMISSION**

- 2.17 This option could be taken by Cabinet if it feels that significant changes are needed to the draft Local Plan in order to ensure it reflects the council's priorities. This would involve redrafting and potentially the development of further evidence base documents to justify the council's position.
- 2.18 This option is not recommended for three reasons. Firstly, as described under Options A and B above, a delay could lead to the current Local Plan policies being considered out-of-date, creating a risk of development being granted permission despite conflicts with the council's planning policies.
- 2.19 Secondly, a delay is likely to mean that the new Local Plan misses the 30 June 2025 deadline for submission of local plans under the existing plan-making system, as discussed in paragraph 1.4 above. This would mean that a new local plan would need to be prepared under the new plan-making system set out under the LURA 2023, and this would essentially require work on the plan to begin again, adding significant delay and costs to the process.
- 2.20 Thirdly, officers believe that the proposed submission versions of the Local Plan within Options A and B closely reflect the priorities of the council and has been developed in close consultation with the community, with teams from across the council, and with elected members. The plan has then been prepared by officers to express the council's priorities in terms that are



consistent with national and regional planning policy, which ensures that the plan can be found sound and legally compliant at an independent examination. Further significant changes are therefore considered unnecessary and could potentially conflict with national or regional planning policy, potentially creating a risk of the plan being found unsound at examination. This would also add significant delay and costs to the process.

- 2.21 Cabinet should not take this option if it believes that minor changes are needed to the Local Plan before consultation, as the report recommends that such minor changes can be made under the delegated authority of the Corporate Director for Housing and Regeneration.

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

#### **The need for a new local plan at this time**

- 3.1 National planning policy and legislation is clear that local authorities are expected to maintain up-to-date local plans, as set out in paragraph 1.3 above. This means that local plans should be reviewed and, where necessary, updated at least once every five years to ensure they remain up-to-date.
- 3.2 The council's current Local Plan was adopted in January 2020. It provides a planning policy framework for the borough up to 2031. However, upon conducting a review of the adopted plan in 2022, officers determined that several of the objectives and policies contained in the plan could be considered outdated, due to national, regional, and local changes. In planning policy terms, this includes the adoption of the current London Plan in March 2021, changes to the NPPF, and changes to guidance on issues including fire safety and energy efficiency.
- 3.3 Since 2020 there have also been numerous social, environmental, political and economic shifts, both globally and locally, including the impacts of the coronavirus pandemic, the impacts of Brexit, the cost-of-living crisis and acute overcrowding that has increased as a direct result of the population growth. New census information has shown that from 2011 to 2021, the population of Tower Hamlets increased by 22.1% from 254,100 to 310,300. This marks a significant proportional increase and represents the fastest population growth of any local authority in England. There has also been the election of a new administration in Tower Hamlets as well as the new national government.
- 3.4 Additionally, the planning powers for the parts of the borough currently in London Legacy Development Corporation (LLDC) boundary, will be passed back to Tower Hamlets by the end of 2024. These areas are Fish Island, Hackney Wick and Bromley-by-Bow. It is important that these areas have an up-to-date planning framework in place that reflects the council's priorities for them.

- 3.5 The cumulative impact of these changes led officers to the conclusion that a new local plan would be the best path forward, rather than a partial review, and this was agreed by Cabinet on 25 October 2023.
- 3.6 Alongside the need to ensure plans are updated every five years, there is another timing factor to take into account. The Levelling Up and Regeneration Act (LURA) passed into law in October 2023. The act sets out a framework for an updated plan-making system. Local plans under the LURA framework will be produced in a very different way from existing local plans, with a strict 30-month timeline for production, an increased focus on digital elements of plan-making, and the introduction of National Development Management Policies set by the national government, which local plans will be expected not to repeat or contradict. However, the LURA framework will not be implemented immediately, and there is a deadline of 30 June 2025 for local authorities to submit local plans for examination under the existing plan-making system. If the council is to submit the proposed Local Plan under the current plan-making framework, it must meet this deadline, otherwise work will have to begin again under the LURA framework – which would mean the adoption of a plan being delayed until the end of 2027 at the earliest. This would lead to the council not having an up-to-date plan, and all the risks associated with this (as set out above within Option C).
- 3.7 Finally, the council shares the ambitious and transformative vision of the new national government with regards to housebuilding and planning, and this is captured in the Local Plan. The new government’s changing ambitions to planning laws nationally is noted in the new Chancellor of the Exchequer’s speech in early July 2024. The new government recognises the outdated constraints of planning law and the need for change. The Mayor shares this view and wants to test what can be done and to think outside of existing norms and established standards – to think creatively about how we address overcrowding and the social, economic and health inequalities associated with this issue.

### **Preparing the Local Plan**

- 3.8 The preparation of a local plan must follow nationally set legal and procedural requirements that dictate the stages of the plan preparation, who should be consulted and when, and what evidence is required to support a local plan. These requirements are primarily set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 (‘the TCPA Regulations’). The Local Plan must be prepared in accordance with the NPPF and must be in conformity with the London Plan.
- 3.9 The NPPF explains that local plans “are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound” (paragraph 35). To be found sound, a local plan must be:
- Positively prepared: it seeks to meet objectively assessed needs for housing and other land uses;

- Justified: the policies in the plan are supported by evidence;
- Effective: the policies in the plan can be delivered and have been formulated on the basis of effective joint working with partners; and
- Consistent with national policy: it has been prepared in accordance with the NPPF and any other national statements of policy.

3.10 As part of the process of developing the Local Plan, on-going discussions took place with both internal and external stakeholders through individual and group meetings, including:

- **The Mayor's office** – at the regular planning meeting with the Mayor, where key updates on engagement and the content of the plan have been presented. The Mayor and the Cabinet Member for Regeneration, Inclusive Development and Housebuilding, have provided a steer on aspirations and policy direction to ensure alignment with the new Strategic Plan.
- **Internally** – input of colleagues from across the council was sought at a regular steering group meeting and regular working group meetings were held with officers across each of the plan's policy theme areas. These discussions were followed by presentations to DLT and CLT, and further engagement with relevant officers where necessary.
- **Externally** – external discussions have been held with stakeholders including the Greater London Authority, Transport for London, Historic England, the Environment Agency, Network Rail, the Canal and River Trust, the London Boroughs of Newham, Greenwich and Hackney, the City of London Corporation, the London Legacy Development Corporation, neighbourhood forums, and key landowners and developers.

3.11 The new Local Plan will cover a period from 2023 to 2038. The Local Plan contains a strategic vision for the borough for the next 15 years, and sub-visions for each of four sub-areas (based on the Opportunity Areas set out in the London plan): City Fringe, Isle of Dogs and South Poplar, Leaside, and the Central area. It contains planning policies across the following themes: delivery, housing, environment, design, employment, town centres, community infrastructure, biodiversity and open space, movement and connectivity, and waste. It also contains 32 site allocations, which set out specific sites for the development of housing and other uses across the borough, all of which are expected to provide at least 500 new homes. Once the plan is adopted, all planning applications will be assessed against the relevant policies in the plan, and applications for development on site allocations will also be expected to meet the specific requirements set out in the allocations.

3.12 The policies in the Local Plan have been informed by an evidence base and local need. This consists of a range of documents that focus on areas of planning policy, examine data in relevant areas, and provide recommendations and conclusions about how to most effectively meet the area's needs. By preparing and responding to this evidence base alongside, consultation responses and addressing local need, the council ensures that

the Local Plan can be justified. These evidence base documents must be submitted to the Secretary of State alongside the Local Plan, to be considered as part of the examination of the plan. Please see Appendix 5 for a full list of the evidence base documents that will be published as part of the Regulation 19 consultation and are intended to be submitted to the Secretary of State.

- 3.13 The proposed submission version of the Local Plan is attached to this report as Appendix 1 (Appendix 1A or 1B to reflect the associated options). It is accompanied by a policies map showing the spatial extent of policies within the borough – this is attached as Appendix 2. The evidence base includes an Integrated Impact Assessment (IIA), which meets the statutory requirement for the Local Plan to be accompanied by a sustainability appraisal and a Habitats Regulations screening and assessment. The IIA also contains the outcomes of the equalities impact screening and assessment, and is attached as Appendix 3 (similarly with options 3A or 3B to reflect assessments of the alternative approaches to height/tall buildings) and the full report will be published as part of the consultation. The remaining evidence base documents have not been attached to this report due to the quantity of documents involved but will be published alongside the proposed Local Plan during the consultation.

### **Consulting on the Local Plan**

- 3.14 The draft new Local Plan has been informed by early engagement that was held from January-March 2023, and a statutory consultation in line with the requirements of regulation 18 of the TCPA Regulations that was held between November-December 2023. Both stages of consultation lasted six weeks, and included a range of digital, interactive and accessible events to ensure maximum outreach across the community. Events were held both online and in-person and included promotion through social media, emails, website, newsletters, press notices and posters/leaflets.
- 3.15 During the early engagement consultation, the council received over 6,000 online visits across the 'Let's Talk' website and the interactive 'Story Maps' platform. The Local Plan engagement document was downloaded 500 times and there were 392 submissions to the consultation and approximately 115 attendees across the events. During the Regulation 18 consultation, 25 in-person and online events were held, with a total of over 270 attendees, and 390 representations were received. Following both consultations, the responses were carefully considered by officers and used to inform the drafting of the proposed Local Plan. Please see Appendix 4 for a Consultation Statement that sets out more detail on these earlier stages of consultation.

### **Changes to the plan since regulation-18 Consultation**

- 3.16 The Mayor asked officers to make a change to the approach to tall buildings, including the removal of maximum heights from some site allocations as he felt this will help identify opportunities for the delivery of homes, and specifically affordable homes. It was the Mayor's view that it was necessary to take account of the new government's aspirations, ahead of them being

translated into formal planning policy. Making the changes in the Cabinet report and appendices has required additional time. Further detail is set out below.

### Tall Buildings

- 3.17 As set out in section 2, a key change from Regulation 18 within the option A version of the proposed submission plan, is the removal of heights guidance from Canary Wharf Tall Building Zone (TBZ) B including site allocations 4.8 North Quay and 4.2 Billingsgate Quay, as well as removing height guidance from 4.5 Marsh Wall, 4.4 Limeharbour and 3.5 Blackwall Depot, as set out as part of policy PS2, Table 4 and the 'Site Allocations' chapter. These sites are strategically situated in opportune locations for height and density, and economic regeneration. The principle of this change sits alongside Tall Building Zone (TBZ) F, which indicates a more permissive approach to tall buildings in the area of borough not previously covered by a Tall Building Zone.
- 3.18 This change provides further opportunity for the delivery of homes, and specifically affordable homes which would be a requirement on tall buildings, which serves as a priority for the Council. It also helps to address the endemic overcrowding within the borough, married to the rapidly increasing population density. Tower Hamlets is the most densely populated borough with a small surface [area 7 ½ square miles] and therefore there is a need to build 'up' to address these issues, i.e., the social and economic inequalities that are born of such issues as overcrowding, the disproportionate impact that these issues have on BME residents, the negative impact that these issues have on familial life including, health outcomes, educational attainment, childhood development and marital issues.
- 3.19 The evidence base commissioned for the new Local Plan sets out alternative information and direction for Tall Building Zone B and the five (5) sites as published in the Regulation 19 document for their tall building approach. Wider considerations, such as the national, regional and local priority to accelerate housing delivery, hold weight, and the policy has been redrafted to reflect this.
- 3.20 All other proposed height guidelines for the borough remain, and the council recognises existing parameters as set by higher order policy, all the while aspiring to the new planning and development ambitions of the new national government.
- 3.21 The heights approach continues to address the London Plan's requirement that boroughs should identify locations for tall buildings and indicate appropriate heights within those locations in their Local Plan. There may be questions from statutory consultees about how the London Plan policy is interpreted with regard to the removal of detail, and whether this impacts on matters of soundness.
- 3.22 Option B carries forward the same approach to tall buildings as was consulted on at regulation-18 (i.e. no change.)

### Meeting Gypsy and Traveller pitch needs

- 3.23 There is a potential conformity issue on the provision of Gypsy and Traveller (G&T) pitches to address the GLA's London wide needs assessment which indicates the need for additional G&T pitches (approx. 18 or 0.5 hectares of land). The GLA's position is that G&T fall under the protected characteristics of the Equalities Act, and for a Local Plan to proceed smoothly through examination it needs to be demonstrated that G&T housing need is being met. As the outputs were provided after the council's Regulation 18 was published and a review of sites has demonstrated that sites in council ownership are not suitable for development as G&T sites, this will remain an outstanding matter that will need to be assessed through examination in public.

## **Progressing to regulation-19 consultation**

- 3.24 This report is recommending (recommendation 1) that the Local Plan now be given approval to proceed to the next stage of statutory consultation, which is based on regulation 19 of the TCPA Regulations. At this stage, the council is required to publish the proposed submission version of the Local Plan for consultation – that is, a version of the plan that the council thinks is sound and legally compliant. Consultees are then able to submit representations highlighting any areas where they believe the plan may not be sound or legally compliant.
- 3.25 The risks identified in the report will emerge from the feedback from Regulation 19 consultation and could potentially challenge our position on the policy areas identified above. During the Regulation 19 consultation period, officers will continuously monitor feedback and assess any risk to the plan and, if required, commission any additional evidence to address concerns emerging from consultation feedback to manage any risk to Local Plan submission. If the feedback from statutory consultees to our approach presents significant risk to the council's programme to submit the plan to the Secretary of State for Examination, officers will bring this to the attention of Full Council for consideration at the end of Regulation 19 Consultation in winter 2024/25.
- 3.26 If the recommendations in this report are approved, the consultation is expected to take place in October-November 2024. Planning officers will work with the Mayor's office and the Communications team to ensure that the consultation reaches as many residents and other stakeholders as possible, and that inclusivity of the consultation is carefully considered.
- 3.27 The consultation will include a mix of in-person and online sessions allowing residents and other stakeholders to ask questions about the plan and understand how to make representations. As with the regulation 18 consultation, an interactive online policies map will be provided alongside an online survey to gather representations on the plan. Information and paper copies on how to contribute to the consultation in Ideas Store and in the Town Hall. A consultation and communications strategy will be prepared before the consultation begins, in collaboration with the Communications team and the Mayor.
- 3.28 This report recommends (recommendation 3) that delegated authority be given to the Corporate Director for Housing and Regeneration to make any minor modifications necessary to the Local Plan before the consultation begins, in consultation with the Mayor. This is to allow for the correction of any typographical or grammatical errors, or the addition of small amounts of content not yet prepared, such as forewords or introductions.

## **Submission of the Local Plan**

- 3.29 Following the end of the regulation-19 publication period, this report notes (recommendation 4) that approval will be sought from Full Council to proceed to the next stage of the plan-making process, which is to submit the Local Plan to the Secretary of State for Housing, Communities and Local Government to begin an independent examination of the plan.
- 3.30 Officers will consider the consultation responses, including those from statutory bodies such as the Greater London Authority, and whether there are potentially parts of the plan that may be unsound or legally non-compliant. If there are potential changes that are considered appropriate to make the document sound, officers will then work with stakeholders where appropriate, and prepare a table of proposed modifications to the submission version of the Plan. In addition, the Inspector may request that the council undertake additional work ahead of the hearings to address any issues.
- 3.31 The Consultation Statement (Appendix 4) will also be updated to contain a summary of responses received at the Regulation 19 consultation. If approval is given by Full Council, the following documents will then be submitted to the Secretary of State:
- Local Plan Submission Version
  - Local Plan Policies Map
  - Integrated Impact Assessment
  - Consultation Statement
  - Consultation responses received during Regulation 19 consultation
  - All relevant evidence base documents (the expected list of which is set out in Appendix 5)
  - Table of proposed modifications (if relevant)
- 3.32 If the recommendations in this report are approved and the Regulation 19 consultation is held in October-November 2024, submission of the Local Plan to the Secretary of State is expected to take place in early 2025.
- 3.33 Upon submission, the Secretary of State will appoint an inspector from the Planning Inspectorate to commence the examination of the Local Plan. During the examination process, the inspector will determine through a series of public hearings and written responses whether the plan is sound and legally compliant. If necessary, the inspector can propose modifications that are necessary to make the plan sound – if this is done, the council will be required to undertake a further consultation on these modifications. At the conclusion of the process, the inspector will prepare a report on the Local Plan, and if they find that the plan is sound (with or without modifications) and legally compliant, the council can proceed to formally adopt the Local Plan.



## **4 EQUALITIES IMPLICATIONS**

4.1 As part of the process of developing the Local Plan, an Integrated Impact Assessment (IIA) has been prepared. This meets the statutory requirement for the production of a Sustainability Appraisal of the Local Plan, and also includes an equalities impact screening and assessment. The non-technical summary of the IIA is attached to this report as Appendix 3.

4.2 The equalities impact assessment identifies a likely positive impact on the following protected characteristics:

- Age - older people who have reduced mobility, suffer from social isolation and loneliness and require access to health and other services will benefit through improved access to services as well as provision of supported living including care homes. Young people seeking education, training and accessible employment opportunities will also experience positive impacts. Young children are likely to benefit from air quality improvements that numerous policies look to achieve
- Disability - people with a variety of disabilities including mobility issues will benefit from a more accessible public realm, including open spaces, pedestrian routes and key services. The plan includes policies which support inclusive design which will help to improve connectivity and function, benefiting users with mobility limitations. The plan ensures that 10% of all new units are wheelchair accessible, improving access to housing
- Deprivation - policies are likely to benefit people from low-incomes who require improved access to employment, education and housing. Policies geared towards the provision of a wide range of employment opportunities at all levels as well as closing the skills gap through upskilling will be useful to low-income groups who are currently positioned as unable to access higher paid jobs. Additionally, the provision of affordable homes and supported living such as homeless shelters will be beneficial to this group. The ambition of the plan to deliver an affordable housing target would make a positive impact on deprivation, reducing barriers for low-income families to housing and rental markets.
- Gender reassignment, sex and gender, and race - people from a range of different diverse backgrounds will benefit from inclusive design, creation of safer and inclusive spaces and greater community engagement.

4.3 The assessment identifies potential negative effects on the following protected characteristics:

- Age, disability, and pregnancy and maternity - The inclusion of public realm improvements and subsequent street furniture, addition of EV charging points and reduction in car parking and motorised vehicles could act as an obstacle to these groups

- Deprivation - Low income groups may be disproportionately affected by the development of large-scale purpose-built shared living as it has the potential to compromise the generation of affordable housing throughout the borough. Additionally, there is potential for low levels of engagement from the community in which estate regeneration schemes are proposed.

4.4 The assessment identifies a neutral impact on the remaining protected characteristics – religion or belief, sexual orientation, and marriage and civil partnerships.

## **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.

5.2 There are no statutory implications relating to best value, risk management, crime reduction, or safeguarding. Requirements for consultation have been addressed as part of the main report. Statutory requirements relating to environmental and sustainability issues have been assessed as part of the Integrated Impact Assessment, the non-technical summary of which is attached as Appendix 3.

5.3 With regards to data protection, the government's Procedure Guide for Local Plan Examinations notes the following: "To ensure an open and fair examination, it is important that the Inspector and all other participants in the examination process know who has made representations on the plan. The LPA should therefore ensure that they are able to lawfully process personal data held in relation to representations so it can be made available without names being redacted. If names are not made available, it is likely that it will not be possible for the plan to be examined. However, the Inspector does not need to know the address or other contact details of those who have made representations. Consequently, although these details will usually be provided by those making representations, they do not need to be made available/published on the examination website. However, the Programme Officer will need access to the contact details of those who made representations so they can contact participants and administer the examination. In some cases, in order to run virtual events or 'blended' events (i.e. a mix of in-person and virtual) by means of video or telephone conference, The Planning Inspectorate may need to know the email address

and/or telephone number of those making representations. An Agreement for the Supply of Services will be put in place setting out the steps the LPA and the Planning Inspectorate will take to help deliver an efficient examination. A data sharing agreement will also be signed by the Planning Inspectorate and LPA as part of a Service Level Agreement.”

- 5.4 Planning officers will work with the council’s data Protection Officer to ensure that data protection requirements can be met while still making available the necessary information as part of the examination of the plan.

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

- 6.1 For Option A - the change in paragraph 3.16, to remove height guidance from the Local Plan, presents a potential risk on the soundness of the Local Plan. This could result in the requirement of additional consultation and evidence base.
- 6.2 The financial implications of this are not known at this stage and would be dependent on the specific additional consultation and evidence base requirements. Any additional costs would be funded from the Local Plan reserve, and if costs are expected to exceed this a growth bid would be required.
- 6.3 For option B - there are no financial implications emanating from this option. The cost of undertaking the consultation will be contained within existing budget provision.

## **7 COMMENTS OF LEGAL SERVICES**

- 7.1 The body of the report fully outlines the rationale behind the recommendations and details accurately the process that is required to be followed to commence the next stage of statutory consultation (known as Regulation 19 consultation) on the draft Local Plan before it is sent to the Secretary of State for public examination. The risks and benefits of not having/having an up-to-date Local Plan are fully outlined. The process of publishing the proposed submission version of the Tower Hamlets Local Plan 2038 is a statutory step and a decision is sought from the Mayor in Cabinet to take that step. Once published, the public will have a six-week period in which to comment on the proposals. Once the consultation period has concluded, officers will consider the results of the consultation. Section 4 deals with Equalities and highlights that the statutory requirements have been met. Fuller details may be found within the Integrated Impact Assessment in Appendix 3.

### **Option A – revised approach to tall buildings**

- 7.2 For this option, the detail in paragraphs 3.16 - 3.21 seeks to remove height restrictions on Tall Building Zone B and five site allocations which was published in the Reg 18 Local Plan consultation. The detail may be found in proposed Policies PS2 and PS8.

- 7.3 There is potentially a significant risk that this change may impact upon the 'soundness' of the draft Local Plan, leaving it vulnerable to an Inspector concluding that it is not sound and requires changes ('modifications') which would then be subject to further consultation. The principal concerns are –
- A) Lack of evidence base for the proposed Reg 19 policy wording - the Reg 18 policy wording was predicated on an evidence-base and analysis of that evidence. The proposed Reg 19 policy wording is not underpinned by the same quality of evidence and would be vulnerable to a simple challenge along the lines of "where is your evidence to justify this policy?"
  - B) The Regulation 19 policy wording is, in the absence of an evidence base, not justified.
  - C) Other work that has been undertaken in the preparation of both the Reg 18 Local Plan and the Reg 19 version may need to be revisited and reviewed to ensure that the conclusion of this work remains pertinent and supportive of the proposed wording of the Reg 19 Local Plan. For example, a review of the Integrated Impact Assessment which is an exercise in checking how policies may impact social, economic and environmental factors in the borough ensuring that the Plan reduces and mitigates any potential negative effects is required.
  - D) There may be a "knock-on" effect on other planning considerations contained in the Reg 19 Local Plan, should the proposed Reg 19 policy wording be taken forward. There does not appear to be any evidence base addressing the impact of the proposed policy on highly significant issues such as infrastructure, the environment or townscape. This work in all likelihood will be required to be undertaken before the Reg 19 Plan will be considered 'sound'.
  - E) The newly drafted policy PS2 may not be in conformity with London Plan policies which may prompt objections from the GLA, particularly as the London Plan is the superior plan and LBTH's Local Plan should be prepared in accordance with that Plan.
  - F) The newly drafted policy PS2 is likely to fall foul of the council's commitment in its Statement of Community Involvement that policies will be evidence-based and that the initial Reg 18 stage may be repeated if the proposed Reg 18 wording is likely to substantially changed prior to the Reg 19 stage. The proposed change here is significant and ought properly to be consulted upon prior to being included in any reg 19 submissions.
- 7.4 There is a risk that should the Regulation 19 Plan proceed with newly proposed policy PS2 wording that it is likely to attract substantial objections, all of which will be forwarded to the Secretary of State for consideration at the public examination. The risk is that the Regulation 19 Plan may not pass the test of soundness (in particular, a lack of an evidence base for Policy PS2 means the policy may not be *justified*; potentially *inconsistent* with the London

Plan; and, arguably it is not *positively prepared* – Policy PS2 has been added at the last minute without undergoing any Regulation 18 consultation and without an evidence base).

Option B – unchanged approach to tall buildings

- 7.5 For this option - The body of the report fully outlines the rationale behind this option and details accurately the process that is required to be followed. The risks and benefits are fully outlined.

#### Meeting Gypsy and Traveller needs

- 7.6 The Report openly highlights potential conformity issues with policies surrounding Gypsy and Traveller pitches. The risks are adequately highlighted in the Report and provide sufficient guidance to the decision-maker to support the decision-making process.
- 7.7 Nevertheless, the council may choose to consult on the Regulation 19 Local Plan without undertaking further work. In addition to the issues highlighted above, this may delay the process as any Inspector appointed to examine the Local Plan may direct the council to undertake the additional work to gather the evidence in support of the proposed Policies and then consult upon them before any public examination of the Plan commences.
- 7.8 By way of a footnote, on 4 July 2024, the country voted for a new government. The new Labour administration has already signalled that housing is to be a priority and that the planning regime will see reform. The planning regime is therefore entering a period of transition. The legal comments reflect the position as at today's date. It might be that future changes to housing and planning policy would indeed support the intention of the newly worded policy PS2 as a visionary policy promoting housing provision.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Cabinet Report, 25 October 2023, Tower Hamlets New Local Plan: Regulation 18 Consultation Draft  
(<https://democracy.towerhamlets.gov.uk/documents/s225343/Tower%20Hamlets%20New%20Local%20Plan%20Regulation%2018%20Consultation%20Draft.pdf>)

### **Appendices**

- Appendix 1A: Tower Hamlets Local Plan 2038 – Proposed Submission Version (Corresponding to Option A)
- Appendix 1B: Tower Hamlets Local Plan 2038 – Proposed Submission Version (Corresponding to Option B)
- Appendix 2: Local Plan Policies Map
- Appendix 3A: Integrated Impact Assessment (Corresponding to Option A)

- Appendix 3B: Integrated Impact Assessment (Corresponding to Option B)
- Appendix 4: Consultation Statement
- Appendix 5: List of evidence base documents to be published as part of consultation

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

- NONE

**Officer contact details for documents:**

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