

Cabinet 2 October 2017

Report title: Lambeth Local Plan Review and Local Development Scheme

Wards: All wards

Portfolio: Councillor Matthew Bennett: Cabinet Member for Planning, Regeneration and Jobs

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Report summary

The Lambeth Local Plan is part of the statutory development plan for Lambeth, alongside the Mayor of London's London Plan. Together these documents set the policy context for growth and development in the borough and provide the basis for determining planning applications.

The current Lambeth Local Plan was adopted by the Council in September 2015, following a statutory process of preparation and examination. The Inspector for the Local Plan examination found the Plan sound subject to early review. An original timetable for the review of the Local Plan was set out in the Local Development Scheme (LDS) adopted by Cabinet in September 2015.

Preparatory work on the partial review has been underway since early 2016. However, changes to the national and regional policy context for plan-making in Lambeth have affected the original timetable for the review of the Local Plan.

The Lambeth Local Plan needs to be reviewed to reflect changes to national and regional planning policy as well as changing circumstances in the borough and new evidence. However, some aspects of the Plan remain up-to-date and do not need to change: the review will therefore be partial. Cabinet is asked to agree the following: the process and updated timetable for the partial review of the Local Plan; a first round of public consultation on issues for the review; and a new Local Development Scheme.

Finance summary

The overall cost of the Local Plan review will span the financial years 2017/18, 2018/19 and 2019/20. 2017/18 will be in part funded from existing reserves held for this purpose.

Recommendations

1. To agree the process and timetable for the partial review of the Lambeth Local Plan summarised in paragraph 2.20 of this report.

2. To agree a first round of public consultation on issues for the partial review of the Lambeth Local Plan applying the consultation and engagement plan set out in Appendix 1 of this report.
3. To agree the Local Development Scheme at Appendix 3 of this report.

1. Context

- 1.1 The Lambeth Local Plan is part of the statutory development plan for Lambeth, alongside the Mayor of London's London Plan. Together these documents set the policy context for growth and development in the borough and provide the basis for determining planning applications.
- 1.2 The current Lambeth Local Plan was adopted by the Council in September 2015, following a statutory process of preparation and examination. The Inspector for the Local Plan examination found it sound subject to early review to take account of the higher borough-level housing target in the Further Alterations to the London Plan 2015, which had been published too late to be included in Lambeth's Plan. An original timetable for the review of the Local Plan was set out in the LDS agreed by Cabinet in September 2015.
- 1.3 In May 2016 the new Mayor of London was elected and he immediately initiated a full review of the London Plan. This will replace the version referred to in the Lambeth Local Plan Inspector's report, so the impetus for review of the Lambeth Local Plan has changed: it will now need to address changes in the emerging new London Plan rather than the alterations to the previous London Plan.
- 1.4 In addition, since September 2015 there have been a number of significant changes to the national planning policy and legislative context, and others are emerging. These include the Housing and Planning Act 2016, the introduction of permissions in principle, ongoing changes to permitted development rights, national commissions into the local plan making process, consultation on the changes to the National Planning Policy Framework, the Neighbourhood Planning Act 2017, the Housing White Paper 2017 and consultation on the policy approach to Build to Rent. The government is expected to publish a revised National Planning Policy Framework by Spring 2018. These changes will also need to be addressed by the review of the Lambeth Local Plan.
- 1.5 Preparatory work on the partial review has been underway since early 2016. However, the changes listed above and the associated uncertainty about the national and regional policy context for plan-making in Lambeth have affected the original timetable for the partial review of the Local Plan (set out in the 2015 LDS).
- 1.6 One of the recent announcements in the Housing White Paper 2017 is that government now expects every Local Plan to be up-dated within five years. The reviewed Local Plan therefore needs to be adopted by September 2020 to be within five years of adoption of the current Local Plan in September 2015.
- 1.7 Cabinet is therefore asked to agree: the process and updated timetable for the review of the Local Plan; a first round of public consultation on issues for the review; and a new Local Development Scheme.

2. Proposal and Reasons

Statutory process and context

- 2.1. The process of reviewing the Local Plan involves a number of stages required by the regulations governing plan preparation. In summary, these include:

- Public consultation on the matters to be covered in the review (Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012). In practice, this is often split into two stages: consultation on ‘issues and options’ followed by consultation on a draft version of the Plan.
- Consideration of representations received and revisions to the draft document.
- Agreement by the local planning authority of the version it intends to submit for examination (‘proposed submission version’).
- Publication of the proposed submission version of the Plan, along with an open invitation to submit representations (Regulations 19 and 20).
- Submission of the proposed Plan and supporting documents to the Secretary of State, along with any representations received at pre-submission publication.
- Independent examination by a planning inspector on behalf of the Secretary of State; this involves an assessment against legal and procedural requirements and consideration of the ‘soundness’ of the plan against four tests.
- Assuming the Plan is found to be ‘sound’ by the inspector, adoption of the Plan by the local planning authority.

2.2. The four tests of soundness are set out in the National Planning Policy Framework as follows:

- positively prepared – the plan should 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 – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategy priorities; and
- consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2.3. The Housing White Paper 2017 proposes a slight amendment to the second test of soundness, from “the most” to “an” appropriate strategy. It is anticipated that this change will be brought forward through the publication of the revised National Planning Policy Framework (NPPF), expected Spring 2018.

General conformity with the London Plan

2.4. In addition to being consistent with national policy, a London borough local plan must be ‘in general conformity’ with the London Plan. This means that the strategy and policy approach should not contradict that established at regional level: borough local plan policies should be used principally to reinforce and add local detail to the London-wide approach. There are also a number of specific areas of policy that the London Plan requires borough local plans to address, such as meeting the regionally set borough-level housing delivery target and planning for waste management.

Approach to the review

- 2.5. In addition to the London Plan, the other source of context for the review of the Lambeth Local Plan will be the Lambeth Borough Plan 2016-2021 ('Future Lambeth: our borough plan'). It is considered that the overall vision and strategic approach in the existing Lambeth Local Plan 2015 are consistent with the three priorities of the Lambeth Borough Plan: inclusive growth, reducing inequality and strong and sustainable neighbourhoods.
- 2.6. A number of policies in the Local Plan will need to change to take account of the legislative and policy changes listed in section 1 above, as well as changed circumstances in the borough and new evidence. A small number of new policies are also likely to be needed. However, many of the existing policies in the Local Plan 2015 remain current and fit for purpose. As a result, the review of the Local Plan will be partial, which means that the structure, overall approach and some of the policies will remain unchanged. For those policies that do need to change, some will need just minor changes to wording (for clarification purposes) while others may need a more fundamental change in approach.
- 2.7. The initial stage of statutory consultation (under Regulation 18 of the 2012 Regulations) will be split into two rounds. The first round will be consultation on issues for the review (referred to in this report as 'Regulation 18 part 1'). This will highlight and seek views on issues and alternatives for the more fundamental policy changes as well as proposed new areas of policy, but will not include detailed policy wording. There will be an opportunity for consultees to say whether they think the Council has identified the right issues for the review. The second round of consultation will be on a Draft Revised Local Plan (referred to in this report as 'Regulation 18 part 2'). This will show the proposed wording changes for the more significant areas of policy, including any new proposed policies, and will also include proposed minor wording changes needed for clarification.
- 2.8. This two-stage Regulation 18 consultation will be followed by statutory pre-submission publication of the draft Plan (Regulation 19) and the invitation for representations to be submitted about that version (Regulation 20). This would take place after the Council has agreed the version of the document that it wishes to submit to the Government for examination.
- 2.9. The first round of public consultation is proposed to start in October 2017 and last for eight weeks. This will explore the key issues to be considered in the partial review, which are: housing growth and infrastructure; affordable housing; housing for older people; business and jobs; town centres; hotels; waste; air quality; and transport. These issues will be explored through a series of topic papers and questions, with links to further evidence where relevant. The consultation and engagement approach for this initial round of issues consultation is set out in Appendix 1. Cabinet is asked to agree the proposals for this first round of public consultation.
- 2.10. The Council is separately bringing forward supplementary planning documents (SPDs) about basement development and planning obligations for employment and skills. Depending on the outcome of public consultation on these SPDs, it may be considered appropriate to incorporate additional policy on these matters into the review of the Local Plan.
- 2.11. The outcome of the first round of public consultation on issues for the review will be assessed and considered prior to the second round of public consultation on the Draft Reviewed Local Plan. This assessment will also have to take account of the draft new London Plan (expected by the end of 2017)

and the new NPPF (expected Spring 2018); of national Planning Practice Guidance; and of the recommendations and feedback from sustainability appraisal (see paragraph 9.1 below).

Policies for places and neighbourhoods

2.12. A number of area-based studies and projects have been progressed by the Council and its partners since the adoption of the Lambeth Local Plan in 2015. In addition, there are four designated neighbourhood planning forums/areas in the borough, with others potentially to follow. These groups are actively bringing forward neighbourhood plans for their areas and are at various different stages in the process. In addition to the borough-wide issues listed above, the Local Plan Review will therefore need to update the place-specific sections of the Plan to reflect the latest evidence and the aspirations for those areas. During the first round of public consultation on issues for the review, neighbourhood planning forums and other local groups will be invited to meet with Council officers so their aspirations can be recorded and, where possible, reflected in the amended wording of the Draft Reviewed Local Plan, to be made available during the second round of consultation.

Site allocation policies

2.13. The current Lambeth Local Plan 2015 includes eighteen site allocation policies. These were included only for sites where additional site specific policy and guidance on land use and design was needed, beyond that provided by the other policies in the Plan. It is proposed to continue with this approach in the partial review of the Local Plan. Proposed amended and new site allocation policy wording will be consulted on as part of the Draft Reviewed Local Plan (Regulation 18 part 2).

2.14. However, the Housing White Paper 2017 indicated that government is considering the introduction of a new requirement in national planning policy for local plans to include site allocations for every large site necessary to deliver the local housing target. In Lambeth this could amount to up to 100 sites. The outcome of this proposal will be known when the revised NPPF is published (expected Spring 2018). If this becomes a national requirement, the additional work required will make it necessary to take all site allocations out of the main Local Plan document and bring them forward in a separate Site Allocations Development Plan Document.

Evidence

2.15. New or amended policies and designations need to be justified by evidence in order to meet the requirements of the statutory tests of soundness for local plans. This evidence must be published and available for comment and scrutiny. All the evidence base documents relevant to the first round of public consultation on issues for the review will be published on a dedicated page the Council's website, or links will be provided where they have been produced by other organisations such as the Greater London Authority (GLA).

2.16. As the review progresses through subsequent stages, updated and/or additional evidence base documents will be added to the Local Plan review evidence base web-page. The final set of evidence base documents supporting the review will undergo examination alongside the reviewed Plan itself.

Duty to cooperate

- 2.17. The Localism Act 2011 introduced a new statutory 'duty to cooperate'. It places a legal duty on local planning authorities and other public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross-boundary matters. This duty is also reflected in the 'positively prepared' test of soundness.
- 2.18. The Housing White Paper 2017 introduces a new requirement on local planning authorities to agree a Statement of Common Ground with each neighbouring authority about cross-border strategic planning issues (such as housing or waste) prior to submission of a local plan for examination.

Weight of the emerging policies in decision-making

- 2.19. Under paragraph 2016 of the NPPF (in its present form) decision-takers may also give weight to relevant policies in emerging plans (that is, in a plan that has yet to be formally adopted) according to the following factors: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). Ultimately the degree of weight to be attached to emerging policies will be a matter for the individual decision-maker involved in determining a planning application.

Local Development Scheme

- 2.20 The Local Development Scheme (LDS) is a statutory document that sets out the Council's programme for preparation of planning policy documents. An LDS must be kept up to date and made publicly available.
- 2.21 The current LDS adopted in September 2015 now requires updating. Cabinet is asked to agree the updated LDS at Appendix 3, which sets out the timetable for the partial review of the Local Plan and associated supplementary planning documents. The timetable is also set out in section 10 below.

3 Finance

- 3.1 The overall cost of the Local Plan Review will span three financial years. It is anticipated to be approximately £100,000 in 2017/18, £30,000 in 2018/19 and £115,000 in 2019/20. 2017/18 will be in part funded from existing reserves held for this purpose. 2018/19 spend will be managed within existing budgets. A review of budgets in the wider Planning, Transport and Development service will be required at year end 2018/19 to assess if there is sufficient budget for all spend in 2019/20 and, if necessary, budgets realigned across cost centre to allow for this spend.

4 Legal and Democracy

- 4.1 The legislative framework that governs the process of reviewing a development plan is contained in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012. Section 2 of the report sets out the steps that it is proposed to

take by reference to the requirements of those regulations. The requirement to have a local development scheme is contained in the 2004 Act.

- 4.2 This proposed key decision was entered in the Forward Plan on 27 July 2017 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by Cabinet. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days – the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5 Consultation and co-production

- 5.1 The consultation process for the Local Plan review is set out in paragraphs 2.9 to 2.12 above. The first round of public consultation on issues for the review is scheduled to start in October 2017 and last for 8 weeks. The consultation and engagement strategy for this first round of consultation is set out in Appendix 1 of this report.

- 5.2 The results of each round of consultation will be assessed and reported in a consultation statement.

6 Risk management

- 6.1 The procedures for seeking to revise the content of a development plan are governed by legislation, supplemented by guidance issued by central government relating to particular stages in the process. No specific risk management strategy has been identified as required.

7 Equalities impact assessment

- 7.1 Assessment of the equalities impacts of the emerging new and revised policies in the reviewed Local Plan will be undertaken on an ongoing basis as part of the statutory sustainability appraisal (see paragraph 9.1 below). The outcome of this assessment will be reported to Cabinet at the end of the plan preparation process.

- 7.2 An Equalities Impact Assessment of the consultation and engagement strategy for the first round of public consultation on issues for the review has been completed and is set out in Appendix 2 of this report. This finds that, whilst this type of consultation has potential to have negative impacts on some protected characteristics such as those within more disadvantaged socio-economic groups, some disabled people and some younger and older people, mitigation measures have been included to help address this. Overall, the consultation may have a positive impact on some groups because it will help them find out more about the planning system, the issues that affect them and how to influence them.

8 Community safety

- 8.1 None

9. Organisational implications

9.1 Environmental

Local Plans and plan reviews must undergo a statutory process of sustainability appraisal. A sustainability appraisal is a systematic process that aims to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The approach taken in Lambeth is to incorporate into this exercise equalities impact assessment and health and well-being impact assessment. The emerging policies in the Lambeth Local Plan Review (including consideration of reasonable alternatives) will be appraised against environmental, social (including health and equalities) and economic objectives. Draft sustainability appraisal findings will be published for comment at each stage of public consultation. The recommendations of the sustainability appraisal and the results of consultation will together inform revisions to the reviewed Local Plan prior to finalisation for pre-submission publication and submission. The final sustainability appraisal will undergo examination alongside the reviewed Local Plan itself.

9.2 Staffing and accommodation

None.

9.3 Procurement

None.

9.4 Health

The health and well-being impacts of the reviewed Local Plan will be assessment through the statutory sustainability appraisal process. See paragraph 9.1 above.

10. Timetable for implementation

10.1 The proposed timetable for the partial review of the Lambeth Local Plan is set out below. Some aspects of this timetable are not within the control of the Council, particularly the timing of the examination hearing and the length of time the Inspector takes to consider matters and issue his/her report. The timetable below allows for some slippage before September 2020 (five years after adoption of the current Local Plan in September 2015), should unforeseen delays occur. Cabinet is asked to agree this timetable.

Stage	Date
Consultation on issues for the review (Regulation 18 part 1)	October-December 2017 (8 weeks)
Consultation on Draft Revised Local Plan (Regulation 18 part 2)	Summer 2018
Pre-submission publication (Regulations 19 and 20)	Early 2019
Submission	Spring 2019
Examination hearing	Summer 2019

Inspector's report	Winter 2019
Adoption	Early 2020

10.2 Given that the London Plan is now undergoing a full review, the timing of the review of the Lambeth Local Plan set out above has been designed to follow just behind the London Plan. This means that general conformity will be tested against the new London Plan rather than the existing version, which will become out of date.

10.3 The timetable for the full review of the London Plan is as follows:

Stage	Date
Initial consultation on issues in 'A City for All Londoners'	October to December 2016
Consultation on the Draft London Plan	November 2017
London Plan Examination in Public (EiP)	Summer 2018
London Plan published (adopted)	Autumn 2019

10.4 If Cabinet agree to recommendations 1 and 2 of this report, the first round of public consultation on issues for the Local Plan review will start after the end of the call-in period for the Cabinet decision, assuming no call-in takes place. The anticipated start date for the consultation is 9 October 2017, ending after eight weeks on 4 December 2017.

10.5 If Cabinet agree to recommendation 3 of this report, the updated Local Development Scheme (October 2017) will be published on the Council's website after the end of the call-in period for the Cabinet decision, assuming no call-in takes place.

Audit trail				
Consultation				
Name/Position	Lambeth cluster/division or partner	Date Sent	Date Received	Comments in para:
Cllr Matthew Bennett	Cabinet Member for Planning, Regeneration and Jobs	6.9.17	7.9.17	
Sue Foster	Strategic Director Neighbourhoods and Growth	5.9.17	6.9.17	
Sandra Roebuck	Director Planning, Investment and Growth	5.9.17	6.9.17	
Doug Black	Interim Assistant Director Planning, Transport and Development	25.8.17	25.8.17	
Peter Flockhart	Legal Services	25.8.17	6.9.17	Throughout
Henry Langford	Democratic Services	25.8.17	5.9.17	
Andrew Ramsden	Corporate Resources	25.8.17	4.9.17	

Report history	
Original discussion with Cabinet Member	27 July 2017
Report deadline	20 September 2017
Date final report sent	
Report no.	N/A
Part II Exempt from Disclosure/confidential accompanying report?	N/A
Key decision report	Yes
Date first appeared on forward plan	28 July 2017
Key decision reasons	1. Will amend Community Plan Outcomes Framework or Budget and Policy Framework
Background information	Lambeth Local Plan 2015 National Planning Policy Framework National Planning Practice Guidance Planning and Compulsory Purchase Act 2004 (as amended) Town and Country Planning (Local Planning) (England) Regulations 2012 London Plan 2016 (consolidated with alterations since 2011) London Plan Affordable Housing and Viability SPG August 2017
Appendices	Appendix 1 – Consultation and engagement plan for the LPR issues consultation Appendix 2 - Equality Impact Assessment of the approach to LPR issues consultation Appendix 3 – Local Development Scheme