

## CABINET

18 June 2019

<b>Title:</b> Barking and Dagenham Local Plan – Local Development Scheme 2019 and Statement of Community Involvement Refresh 2019	
<b>Report of the Cabinet Member for Regeneration and Social Housing</b>	
<b>Open Report</b>	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
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<b>Accountable Director:</b> Caroline Harper, Chief Planning Director, Be First	
<b>Accountable Strategic Leadership Director:</b> Graeme Cooke, Director of Inclusive Growth	
<b>Summary</b> <p>Be First, the Council's regeneration company has prepared both the Local Development Scheme (LDS) and the Statement of Community Involvement Refresh (SCI) documents alongside the development of a new Local Plan for the borough. The new Local Plan will take forward the Council's Vision and Priorities for growth. It is currently scheduled for consultation in autumn 2019. Once adopted, the new Local Plan will cover the period 2019 to 2034.</p>	
<b>Local Development Scheme (LDS)</b> <p>The LDS sets out the timescales for preparing the new Local Plan. The LDS adopted in 2015 requires updating to reflect the preparation of the new Local Plan and will ensure local communities and interested parties can monitor the progress of Local Plan documents. An update LDS will also ensure the new Local Plan is legally compliant with section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).</p>	
<b>Statement of Community Involvement Refresh (SCI)</b> <p>The Statement of Community Involvement (SCI) sets out how the Council will engage with local and statutory stakeholders on planning matters in the borough. This version of the SCI is an interim document, which updates the current SCI to reflect the updated legislation, national policies and local circumstances. A full review is proposed to take place following the submission of the Local Plan. Detailed timetable of the full review will be set out in the LDS 2020.</p>	
<b>Recommendation(s)</b> <p>The Cabinet is recommended to:</p>	

- (i) Approve the Local Development Scheme 2019 for publication; and
- (ii) Approve the Statement of Community Involvement 2019 refresh for consultation and note that a full review of the document shall take place following the submission of the Local Plan.

**Reason(s)**

Local Planning Authorities are required to prepare an LDS under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). Local Planning Authorities are also required to produce a Statement of Community Involvement (SCI) and to review the SCI within five years of the adoption of the last statement (Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017).

The LDS and the SCI will facilitate the engagement of stakeholders in the development of the Local Plan and help deliver the Council's priorities for Inclusive Growth and Citizenship and Participation.

## **1. Introduction and Background**

- 1.1 The Local Plan sets out how the borough and its partners want the borough to develop over the next fifteen years and the policies which will deliver this change. It was adopted in 2010 and is now being reviewed to focus on delivering the Council's Vision "One borough; One community; London's growth opportunity" over the next 15 years.
- 1.2 The Council previously consulted on the Issues and Options document between October 2015 and January 2016. The consultation document can be found via <https://www.lbbd.gov.uk/residents/planning-and-building-control/planning-guidance-and-policies/local-plan-review/one-borough-one-community-one-plan/>
- 1.3 Since the consultation concluded, the Council has established a new regeneration company – Be First, on 1st October 2017. Be First is engaged by the council, to undertake, inter alia, the preparation of planning policy documentation. The Council continues to exercise its statutory duties and powers as a Local Planning Authority (LPA), including the approval of all planning policy documentation.
- 1.4 Local Planning Authorities are required to prepare a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS sets out the timescales for preparing the new Local Plan. The LDS adopted in 2015 requires updating to reflect the preparation of the new Local Plan and will ensure local communities and interested parties can monitor the progress of Local Plan documents.
- 1.5 Local Planning Authorities are also required to produce a Statement of Community Involvement (SCI) and to review the SCI within five years of the adoption of the last statement (Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017). The current SCI was adopted in July 2015.

- 1.6 The Statement of Community Involvement (SCI) sets out how the Council will engage with local and statutory stakeholders in the borough. This includes the preparation of the Local Plan as well as assessing planning applications and making decisions on new developments. Through the SCI it will ensure that the planning processes of the Council are clearly set out and enable more people to be involved in shaping plans and planning decisions.

## **2. Proposal and Issues**

### **Local Development Scheme**

- 2.1 The purpose of the 2019 review of the LDS is to amend the timetable for the preparation of the new Local Plan. It replaces the LDS adopted in 2015 and will be kept up to date as frequently as is necessary so that local communities and interested parties can keep track of progress of the documents which, when prepared, will comprise the Local Plan for the Borough. The revised LDS has been provided in Appendix 1 to this report.
- 2.2 Along with the London Plan, the statutory Development Plan for the Borough is currently made up of the following documents for the purposes of the Town and Country Planning (Local Planning) (England) Regulations 2012:

Core Strategy

Site Specific Allocations

Barking Town Centre Area Action Plan

Borough Wide Development Policies

Proposals Map

Joint Waste Development Plan

Adopted Supplementary Planning Documents:

- Hot Food Takeaways
- Biodiversity
- Trees and Development
- Residential Extensions and Alterations
- Barking Station Masterplan
- Last Orders? Preserving public houses

- 2.3 Once the new Local Plan is adopted the Development Plan will consist of the new Local Plan, the London Plan and the Joint Waste Plan. Guidance currently set out in most of the supplementary planning documents will be incorporated into the new Local Plan.

- 2.4 The new Local Plan will be mainly supported by the following documents:

- Evidence Base Documents – The Local Plan will need to be based on a sound and reasonable evidence base including the Authority Monitoring Reports (AMR).
- Statement of Community Involvement (SCI) - This document demonstrates how the Council is engaging with the community and other stakeholders in preparing its LDP.
- Sustainability Appraisal (SA) and Habitats Regulation Assessment - This appraises the environmental, economic and social aspects of the Local Plan.
- Infrastructure Plan - Sets out the infrastructure requirements required to support the Local Plan.

- 2.5 The emerging Local Plan will be a single document, including a strategic vision and strategic objectives, as well as planning policies and site allocations. Once published for pre-submission consultation (Regulation 19), it will be given increasing weight as a material planning consideration as it progresses to submission and adoption. Material weight to emerging policies will be applied in accordance with the National Planning Policy Framework and its Guidance.
- 2.6 The key milestones in the production of the new Local Plan are set in Appendix 1 of the revised LDS.

### **Statement of Community Involvement**

- 2.7 This Statement of Community Involvement (SCI) explains how the Council will involve the community in the planning of the local area. This includes the preparation of the Local Plan as well as assessing planning applications and making decisions on new developments. Through the SCI it will ensure that the planning processes of the Council are clearly set out and enable more people to get involved in shaping plans and planning decisions.
- 2.8 The revised SCI is provided in Appendix 2 to this report. It is a refresh to the existing SCI and the key purpose of this version is to support the Local Plan Regulation 19 consultation in Autumn 2019.
- 2.9 All local authorities are required to produce an SCI and to keep it updated. In July 2015, the Council adopted the SCI. This 2019 revision is part of the review of the Local Plan and takes account of a few matters, which relate to:
- Changes to the planning legislation and regulations:
    - Neighbourhood plans
    - Duty-to Co-operate and General Consultees
    - Community Infrastructure Levy (CIL)
    - Equalities Impact Assessment (EIA)
    - General Permitted Development Order
    - Assets of Community Value
  - Local changes, including updated details of publications, inclusion of social media as a public engagement tool; and
  - Out-dated terminology
- 2.10 The SCI sets out:
- What the Council will consult and engage the community on;
  - When the Council will consult and engage the community;
  - How the Council will consult and engage the community; and
  - Who within the community the Council will consult and engage with.
- 2.11 The updated SCI update has been prepared under the following legislation:
- The Town and Country Planning (Local Planning) (England) Regulations 2012;
  - The Town and Country Planning (Development Management) (Procedure)(England) Order 2015;
  - Equality Act 2010;
  - The Localism Act 2011;
  - The Amendments to the General Permitted Development Order 2015;

- The Community Infrastructure Regulations 2010 (as amended).

### **3. Options Appraisal**

3.1 The options considered were:

- Do not revise the LDS and rely instead on the adopted version
- Do not revise the SCI and rely instead on the adopted version

3.2 These options were not considered viable as Local Planning Authorities are required to prepare an LDS under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and an updated SCI in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

### **4. Consultation**

4.1 Internal consultation has taken place with key officers in Inclusive Growth and within Be First, whose work areas are most likely to be affected by the revised milestones, and the revised report has been circulated to them for comment. No external consultee is required to be engaged on preparing these two documents.

4.2 The proposals in this report were considered and endorsed by Be First Management Board and Coby Tomlins, Head of Place Shaping & Infrastructure Strategy, Inclusive Growth.

### **5. Financial Implications**

Implications completed by: Katherine Heffernan, Group Manager, Service Finance

5.1 This report seeks Cabinet approval of the Local Development Scheme and Statement of Community Involvement refresh. These have been produced to support the ongoing development of the new Local Plan. This work is being undertaken from within existing resources across the Council and its regeneration company Be First and so there are no new financial implications directly arising from this report.

### **6. Legal Implications**

Implications completed by: Dr. Paul Feild Senior Governance Lawyer

6.1 The Planning and Compulsory Purchase Act 2004 sets out specific matters to which the local planning authority must have regard when preparing a Local Plan. The Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe the general form and content of Local Plans and adopted policies map, and states what additional matters local planning authorities must have regard to when drafting their plans.

6.2 It is essential that the Council can show with an evidenced audit trail in that developing the draft local plan it has observed the procedural steps and requirements set out in the relevant regulations. These include not only the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended by

Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, but also the Environmental Assessment of Plans and Programme Regulations 2004 and taking into account the riverside location also the Conservation of Habitats and Species Regulations 2010 (as amended) which requires a Habitats Regulation Assessment, if it is considered likely to have significant effects on European habitats or species, located in the local planning authority's area or in its vicinity.

- 6.3 The Council must show it has had due regard to the current NPPF and the NPPG, as well as creating and maintaining an up to date and proportionate evidence base to inform its policy decisions. The evidence base includes the documents that show objectively assessed need within the borough.
- 6.4 A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act (as amended). This must specify (among other matters) the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. Local planning authorities are encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans. The Local Development Scheme must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website.
- 6.5 Every Local Plan must be informed and accompanied by a Sustainability Appraisal. This allows the potential environmental, economic and social impacts of the proposals to be systematically taken into account and should play a key role throughout the plan-making process. The Sustainability Appraisal plays an important part in demonstrating that the Local Plan reflects sustainability objectives and has considered reasonable alternatives. The Sustainability Appraisal should incorporate a Strategic Environmental Assessment to meet the statutory requirement for certain plans and programmes to be subject to a process of 'environmental assessment'.
- 6.6 Local planning authorities will need to identify and engage at an early stage with all those that may be interested in the development or content of the Local Plan, including those groups who may be affected by its proposals but who do not play an active part in most consultations. Those communities contemplating or pursuing a Neighbourhood plan will have a particular interest in the emerging strategy, which will provide the strategic framework for the neighbourhood plan policies.
- 6.7 Section 18 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority's website
- 6.8 Until we have adopted a revised Local Plan, Saved Policies from the current Local Plan will carry diminishing weight, as it will be increasingly out of date. There is also a risk that in the interim those applications not fitting with the revised plan could be

refused and allowed on appeal by Inspectors would apply the presumption in favour of sustainable development set out in the NPPF unless there are significant adverse impacts as provided in the NPPF.

- 6.9 If the Cabinet agrees to this proposal officers will then consider the various options. There is a duty to cooperate requires local planning authorities and certain other public bodies to cooperate with each other in preparing a Local Plan, where there are matters that would have a significant impact on the areas of two or more authorities which could include working with other authorities including the GLA and for example Havering Council. There is a minimum prescribe list of specific bodies or persons that a local planning authority must notify and invite representations from in developing its Local Plan. The local planning authority must take into account any representation made and will need to set out how the main issues raised have been taken into account. It must also consult the Strategic Environmental Assessment consultation bodies on the information and level of detail to include in the sustainability appraisal report.
- 6.10 While the process proceeds the Council should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan.

## **7. Other Implications**

- 7.1 **Risk Management** - The Council is required to prepare an LDS under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). It is also required to prepare an updated Statement of Community Involvement (SCI) and to review the SCI within five years of the adoption of the last statement (Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017).

The updated LDS and SCI will help ensure that the Council's emerging Local Plan is legally compliant. The publication of the revised LDS and SCI will ensure there is a realistic and achievable programme for the preparation of the Council's planning policy documents and that the community and stakeholders are fully consulted.

- 7.2 **Corporate Policy and Equality Impact** – There are no specific Corporate Policy and Equality Impacts for the LDS or the SCI. The planning policy team is undertaking a full Equality Impact Assessment for the new Local Plan Regulation 19 document.

**Public Background Papers Used in the Preparation of the Report: None**

### **List of appendices:**

- Appendix 1 LDS Report
- Appendix 2 SCI Refresh Report