

CABINET

22 September 2020

Title: Barking and Dagenham Local Plan 2037 - Regulation 19 Consultation	
Report of the Cabinet Member for Regeneration and Social Housing	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
Report Author: Tim Thomas, Head of Transport, Infrastructure and Policy Planning	Contact Details: Tel: 0783 4014334 E-mail: Tim.Thomas@BeFirst.London
Accountable Director: Caroline Harper – Chief Planning Director, Be First	
Accountable Strategic Leadership Director: Graeme Cooke, Director of Inclusive Growth	
Summary	
<p>This report seeks approval to publish the proposed submission version of the Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, with associated Sustainability Appraisal, Habitats Regulation Assessments and supporting evidence base documents; and undertake a statutory public consultation on those documents over eight-week period this autumn. The proposed timeline is set out in the table below.</p> <p>The key change in this Regulation 19 Local Plan, compared to the previous draft, is that the Local Plan contents align more closely with LBBDD's wider strategic vision and policies etc.</p>	
	DATE
CSG	20 August 2020
Cabinet	22 September 2020
Regulation 19 consultation (8 weeks)	Anticipated 5 th October - 29 th November 2020
Processing representations and finalising the publication version of the Local Plan (Regulation 19 stage)	Anticipated December 2020 – January 2021
CSG	Anticipated early 2021
LAG	Anticipated early 2021
Cabinet (subject to delegation of authority)	Anticipated early 2021
Submit to Planning Inspectorate	Anticipated Spring 2021
Independent to be confirmed by the Planning Inspectorate	Anticipated to begin Spring/Summer 2021
CSG	Anticipated to begin Summer/Autumn 2021
LAG	Anticipated Summer/Autumn 2021
Cabinet	Anticipated Autumn 2021
Full Council Approval for adoption	Anticipated Autumn 2021

Recommendation(s)

The Cabinet is recommended to:

- (i) Approve the request for publication of the submission version of the Barking and Dagenham Local Plan 2037, along with supporting information include a Sustainability Appraisal, Habitats Regulation Assessment, evidence base studies and other supplementary information for eight-week statutory public consultation as per the proposed timetable;
- (ii) Agree that, following the Regulation 19 consultation, the plan should be submitted to the Secretary of State for an independent examination;
- (iii) Authorise the Director of Inclusive Growth, after consultation with the Council's Leader and the Cabinet Member for Regeneration and Social Housing, to make any appropriate and proposed modifications to the submission version of the Local Plan and amendments to supporting documents prior to the commencement of the consultation period (Regulation 19);
- (iv) Authorise the Director of Inclusive Growth, after consultation with the Council's Leader and the Cabinet Member for Regeneration and Social Housing, to make any appropriate and necessary minor amendments to the proposed submission version of the Local Plan and supporting documents following consultation and prior to submission to the Secretary of State;
- (v) Note amendments to the Local Development Scheme (2020) to reflect an updated Local Plan timetable; and
- (vi) Note publication of the updated Statement of Community Involvement Refresh (2020).

Reason(s)

The new Local Plan sets a spatial vision and framework for future development in the borough. It will allow the borough to meet local needs and opportunities and reflect national priorities, particularly in relation to housing, the economy, identification and delivery of infrastructure, and protection of the environment.

Local planning authorities are required by the government to review their Local Plan in response to changing circumstances, in whole or in part, every five years to make sure that all the policies and supporting evidence is up to date and in line with the National Planning Policy Framework (NPPF).

The Council's current adopted Local Plan is over five-years old. As such, it is appropriate for the Council to bring forward a new Local Plan to manage increased growth and respond to emerging trends.

1. Introduction and Background

- 1.1 The Local Plan is the borough's key planning document and establishing an up-to-date Local Plan is a statutory requirement on the Council. The Local Plan sets out a development vision, strategic priorities, and the planning policy framework which will guide future growth and investment in the borough. It also establishes a framework for securing benefits from new developments, such as transport improvements and affordable housing.
- 1.2 The Local Plan aims to realise our vision for inclusive growth to "harness the growth opportunity that arises from our people, our land and our location, while ensuring it is sustainable and improves prosperity, wellbeing and participation for all" – seeking to deliver 50,000 new homes that meet the needs of our residents and working Londoners and 20,000 high quality new jobs in diverse enterprises from media to biotech to food based industries in the plan period.
- 1.3 The Local Plan must be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This requires the Local Plan to be (amongst other things):
- Subject to public consultation;
 - Submitted to the Secretary of State to undergo an independent examination; and
 - Subject to a Sustainability Assessment /Habitats Regulation Assessment to test the impacts of the plan throughout its preparation.
- 1.4 On 6 August the Government published the 'Planning for the Future' White Paper for consultation. The Government also published a shorter consultation paper outlining changes to the current planning system. This includes changes to the Local Plan process, but these proposed changes do not apply to this Local Plan. Furthermore, the proposals include transitional arrangements that set out new style plans will not need to be in place until 42 months following the adoption of the new Local Plan. Be First are currently working with LBBD on developing a response to these proposed changes to the planning system.

Draft Local Plan Consultation (Regulation 18) Overview

- 1.5 On behalf of the Council, Be First consulted on the draft Local Plan (Regulation 18) document between 29 November 2019 and 29 February 2020. The Regulation 18 Local Plan draft provided an update and a 'direction of travel' for local planning policies since the last public consultation in 2016. The draft was based on an emerging evidence base and was set against an evolving regional planning framework in the emerging Draft New London Plan. A range of consultation mechanisms were applied to allow people to share their views through their preferred method, this included:
- Printed materials
 - Online resources
 - Direct e-mail correspondence
 - Press and social media
 - Consultation events and meetings

1.6 The consultation generated a total of 1,400 visitors recorded as having visited the Local Plan webpages during the consultation period. Be First received written representations from 75 individuals or organisations, these generated 368 individual comments in relation to the Local Plan. Figure 1 below illustrates type of respondents participated in the consultation.

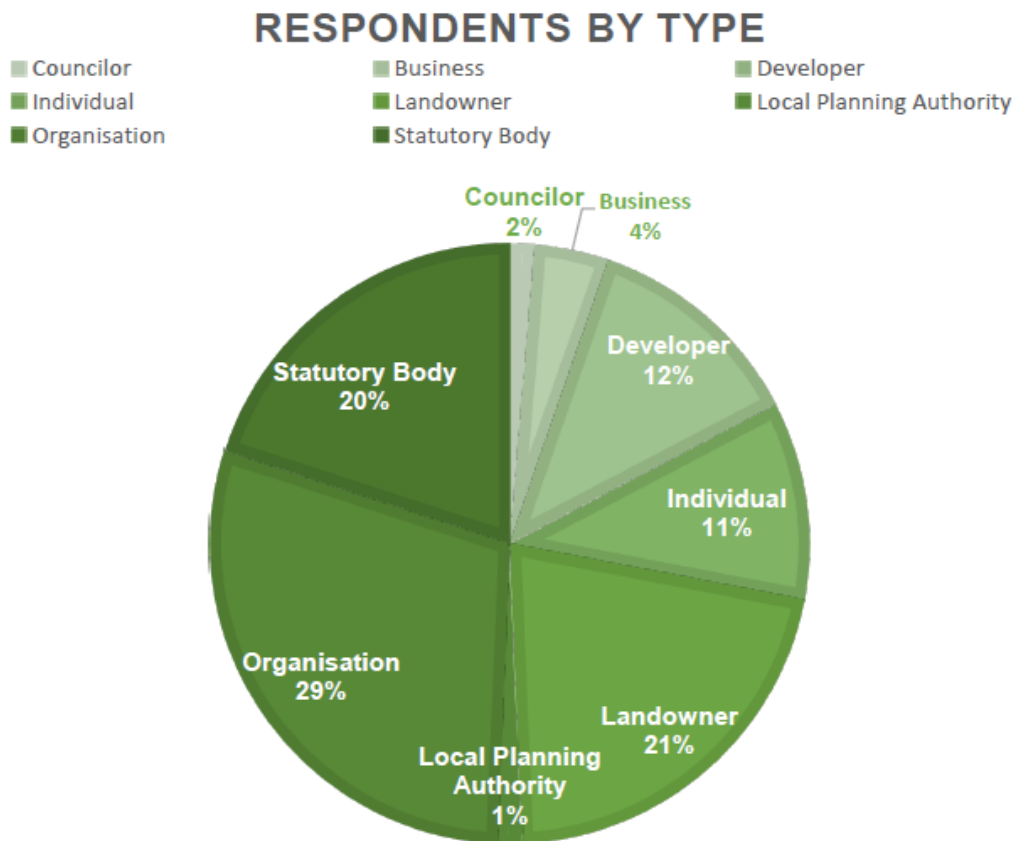


Figure 1 Respondents by type

1.7 A relatively high number of comments (56%) are considered 'general', with 32% in support, and 12% objections to the draft plan. Some issues were location or issue specific, while others related to the 'soundness' of the plan. The main issues related to the soundness of the plan include:

- Consistency with national policy and the draft New London Plan;
- An appropriate strategy underpinning by up to date evidence to justify the quantity and distribution of housing and employment floorspace across the borough;
- Need to align infrastructure needs with anticipated growth; and
- Need to publish draft policies map or individual maps for specific areas

1.8 The sections attracted most comments were the 'Borough Places and Site Allocations', followed by the 'Economy' and 'Housing' policies. Further information about the main issues raised during the consultation are set out in the Regulation 18 Consultation Summary Report, which will be published alongside the Regulation 19 Local Plan.

2. Proposal and Issues

Barking and Dagenham Local Plan 2037 (Regulation 19 Publication Stage)

- 2.1 Be First present a proposed submission version of the draft Local Plan for Regulation 19 consultation to the Cabinet for approval for a public consultation starting from 5 October to 29 November 2020 (eight weeks), in line with the Council's Statement of Community Involvement (SCI) Refresh 2019 (updated in August 2020). Details of the SCI Refresh are provided in paragraphs 2.23, 2.24 and 2.25. All representations made in response to the public consultation on the draft Local Plan will be considered and summarised and collated within a consultation statement to support the Local Plan examination in the future.
- 2.2 This Draft Local Plan is the version that the Council wish to publish on under Regulation 19 of the *Town and Country Planning) Local Planning) (England) Regulation 2012* for comment and submission to the Planning Inspectorate for an Independent Examination
- 2.3 The Draft Local Plan has been prepared in line with the relevant legislation, government policy, and guidance. To keep the document as succinct as possible it does not repeat policies already published elsewhere, including within the latest Draft London Plan.

Local Plan Content

- 2.4 The structure and content of the Regulation 19 Local Plan (see Appendix A) has been largely updated in response to both internal and external consultation between March and August. All the comments received have been considered and where appropriate addressed them in developing the Regulation 19 Local Plan. In addition, other updates have been made in response to changes in national and regional planning policy, our evolving evidence base, and through engagement with LBBDD officers and external bodies/organisations such as the GLA, TfL, Environment Agency, neighbouring boroughs and development industry. We have also taken account of the impacts caused by COVID-19, particularly on housing delivery and town centre development.
- 2.5 On 15 June, Be First hosted a Local Plan updates session with all members. The session covered the following agenda items:
- What is a Local Plan?
 - How is the Local Plan being developed?
 - What happens next?
 - Member's questions/discussions
- 2.6 Officers received positive feedback on the overall presentation alongside issue specific questions including consultation and engagement, schools, places of worship and waste etc. Following the session, officer prepared a list of Frequently Asked Questions (FAQ) and circulated the FAQ with members on 6 July. The list is enclosed in Appendix B.
- 2.7 Since May, planning policy team has been working closely with the relevant council department, including My Place and Education. Through ongoing discussions and

engagement, we have been able to further develop the evidence around gypsy and traveller needs and school sites.

2.8 The new version of the draft Plan still contains two types of policy and they are:

- **Strategic Policies** which dovetail with the Council's strategic priorities and outline how the borough will be transformed over the 15-year lifetime of the plan (the plan period). The Strategic Policies establish the framework for fulfilling the Council's spatial vision for the future of Barking and Dagenham; and
- **Development Management Policies** which provide specific policy requirements to guide future development and Supplementary Planning documents.

2.9 A summary of the Local Plan chapter contents is provided below:

- **Chapter 1:** set out the spatial vision and provides background information of the plan making process, details on consultation information, and the current state/future trends of borough's population, economy, infrastructure, and environment etc.
- **Chapter 2:** Sets the scene highlighting key social, environmental, and economic characteristics of the borough.
- **Chapter 3** focuses on visions and priorities for seven sub-areas. It acknowledges the importance of the borough's neighbourhoods in respect of the character and identity and provides strategic thinking around how future growth will take place at a sub-area level (illustrated in Figure 1 below).

This section sets out high level development principles for each sub-area and highlights where masterplan supplementary planning documents (SPDs) or other relevant planning guidance will be prepared to provide more detailed guidance as to how LBBDD expects master planned areas to develop.

- **Chapters 4 - 10** comprises a range of strategic and development management policies, including related to the delivery of new affordable housing, as well as additional jobs and workspaces, improvements to public transport and walking and cycling infrastructure to meet the needs of both existing and new communities; design, heritage and environment sustainability which are essential to the creation of sustainable and liveable places, of which all our residents will be proud.
- **Chapter 11** sets out a general approach to the Local Plan monitoring and implementation.
- **Appendix 1** identifies existing adopted plan policies that will be replaced by the new local Plan (this is a requirement of the Local Plan Regulations 2010).
- **Appendix 2** identifies 'Site Allocations' which are the key development sites.
- **Appendix 3** set out a monitoring framework against which we will assess the degree to which the plan achieves policy objectives.

- **Glossary** provide explanation of terminologies related to the Local Plan policies.
- **Proposed Policies Map** provides an overview of all the proposed policy designations.

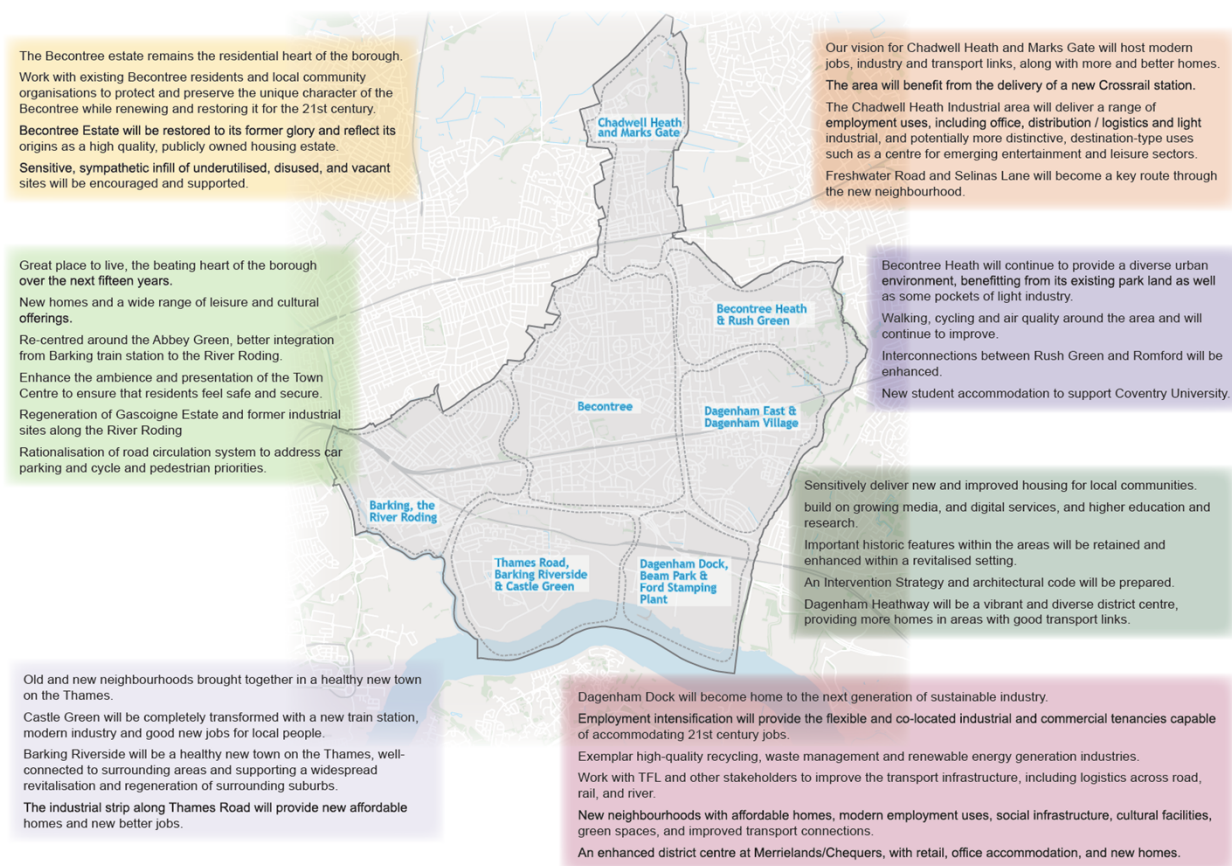


Figure 2 Borough Places: Seven Sub-Areas

2.10 The key change in this Regulation 19 Local Plan, compared to the previous draft, is that **Chapters 1, 2 and 3** have been restructured and redrafted to focus on:

- opening with the development vision and objectives to ensure an exciting and bold statement on the outcomes the Council wants to deliver as well as details of the local plan process and legislative framework
- largely following the same visions provided in the Council's emerging Inclusive Growth Strategy that arose from Borough and Me Campaign held in 2019
- providing clearer development principles by introducing **place policies for seven sub-areas** (as shown in figure 2 above).

2.11 Other changes to remainder of the Local Plan are primarily to ensure consistency with the national policies and new London Plan policies including in relation to:

- Design: tall buildings and heritage/archaeological remains
- Housing: affordable housing, housing mix, HMOs, gypsy and traveller needs
- Sustainable Infrastructure: air quality, flood, and waste
- Transport: sustainable transport infrastructure, parking, and electric vehicles
- Delivery and the role of Section 106 in addressing local priorities.

2.12 The **Site Allocations and the associated Site Proforma** have been updated. These now detail the proposed land use (including critical infrastructure requirements) and delivery considerations. The new draft of the Plan has reduced the number of strategic site allocation based on a set of criteria as follows:

- Have a total site area or remaining developable area (where applicable), of 0.25ha or more; and
- deliver 150 homes or more, or 500 sqm or more of commercial floorspace over the plan period (excluding sites with implemented full planning consents); or
- Can deliver a critical/essential piece of identified infrastructure for the area over the plan period; or
- Where, existing site-specific characteristics, mean establishing the acceptability of uses / quantum development on the site is especially necessary to enable delivery; and
- Small sites (less than 0.25ha) which contribute to meeting the overall housing target.

2.13 The key sites have been selected as Site Allocations due to their significance in meeting our housing target, infrastructure delivery onsite and/or in cases where greater certainty is needed on the acceptability of a use (e.g. SEN schools/ masterplan areas in existing designated industrial locations). Including just key sites in a Local Plan is a more usual approach and common to most other Local Plans for urban areas. This does not preclude development coming forward on other sites; it does allow for a focused list of critical sites going into the examination in the future. Site capacity, shown in the Site Allocations, has been informed by a detailed site assessment and engagement with developers and Be First Development Management and Planning Consultancy Teams. This is not an automatic cap, but it provides a starting point for the consideration of any future planning application subject to design and other detailed matters. It also informs the housing delivery number we reflect in this version of the draft Local Plan.

2.14 The Site Allocations identifies, at this stage, two potential locations for traveller sites. The Gypsy and Traveller Accommodation Assessment 2020 which is nearing conclusion, will be published alongside the Regulation 19 consultation of the Local Plan. We will complete further sites assessments to ensure their suitability for meeting identified needs. We will then initiate discussions with Council's housing officers to understand how these sites will be brought forward and delivered over the plan period.

Relationship with Draft New London Plan

2.15 There is a requirement for the Regulation 19 Local Plan to be in conformity with the London Plan. The Council supports the 'good growth' agenda set out in the Draft New London Plan Intend to Publish version (DNLP) (December 2019). Despite this, there are certain areas where a locally distinctive approach to that set out in DNLP policies is justified. The Council have raised these matters with the Greater London

Authority (GLA) during the preparation of this Local Plan. Specifically, these matters relate to:

- the policy approach to industrial land within the borough; and
- the established housing need, particularly related to small sites.

2.16 On 13 March 2020, the Secretary of State for Housing Communities and Local Government issued a letter to the Mayor of London in relation to the ‘Intend to Publish’ version of the DNLP. Within the letter, the Secretary of State exercised powers under *section 337 of the Greater London Authority Act 1999* to direct that the DNLP cannot be published until after a number of Directions have been incorporated. The Directions made within the letter, which are relevant to this Local Plan are outlined in Table 1 below.

Table 1 SoS's Directions to the NDLP that is relevant to LBBB Local Plan

Industrial Land
<p>Add new supporting text 6.4.8</p> <p><i>Where industrial land vacancy rates are currently well above the London average, Boroughs are encouraged to assess whether the release of industrial land for alternative uses is more appropriate if demand cannot support industrial uses in these locations. Where possible, a substitution approach to alternative locations with higher demand for industrial uses is encouraged.</i></p>
<p>Modify E5 Strategic Industrial Land (SIL) as follows:</p> <p><i>B. Boroughs, in their Development Plans, should: ... 4) Strategically coordinate Development Plans to identify opportunities to substitute Strategic Industrial Land where evidence that alternative, more suitable, locations exist. This release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in a Development Plan or as part of a coordinated masterplanning process in collaboration with the GLA and relevant borough. All Boroughs are encouraged to evaluate viable opportunities to provide additional industrial land in new locations to support this process. This policy should be applied in the context of Policy E7.</i></p>
<p><i>Deletion of a requirement for: the industrial uses within the SIL or LSIS are intensified to deliver an increase (or at least no overall net loss) of capacity in terms of industrial, storage and warehousing floorspace with appropriate provision of yard space for servicing.</i></p>
<p><i>Modification to 6.7.2 to clarify that SIL and LSISs can be modified or appropriately substituted through a carefully coordinated and plan-led approach.</i></p>
Gypsy and traveller
<p>A change to the definition of gypsy and traveller sites was required. There was also a requirement to adopt a standard needs assessment quantum for areas that have not undertaken a needs assessment since 2008.</p>
Parking standard
<p>A change in relation parking standard has also been introduced to ensure that the DNLP complies with national policy in this area.</p>

- 2.17 The Mayor of London issued a reply to the Secretary of State on 24 April 2020 to outline that 'alternative policy changes' may be proposed subject to ongoing constructive communication between the Greater London Assembly (GLA) and the Ministry of Housing Communities and Local Government (MHCLG).
- 2.18 The Regulation 19 version Local Plan, including on the matters highlighted above, is in 'general conformity' with the DNLP. It therefore assumes that, notwithstanding the indication that 'alternative policy changes' may be proposed, the policy intent of the Secretary of State's direction will be adopted within the new London Plan in the future.

Supporting Evidence Base

- 2.19 The Local Plan identifies 'key evidence' on which each policy theme is based. A list of key evidence documents are provided in the introduction of each chapter of the draft Local Plan.
- 2.20 The Sustainability Appraisal is a key evidence base document, which not only fulfils the statutory requirements for *Sustainability Appraisal (SA) and Strategic Environmental Assessment Directive (SEA) 2001/42/EU* and associated UK Regulations, but also provides an audit trail to demonstrate how the Local Plan has evolved over time.
- 2.21 A critical issue for the Local Plan is the level of housing to be accommodated over the plan period (2019 -2037) in the borough. At this stage, the SA work has identified three reasonable alternative spatial strategy options as set out below:
- **Option 1:** No further release of industrial land and significantly increased densities (approx. 80%) at well-connected brownfield sites – could deliver the minimum housing target of 40,808 dwellings plus around a 5% buffer during the plan period and does not include any sites that would deliver growth post plan period.
 - **Option 2:** Limited release of industrial land (approx. 30ha) in line with the draft New London Plan and increased densities (approx. 30%) at well-connected brownfield sites– could deliver 40,808 dwellings plus around a 5% buffer during the plan period and does not include any sites that would deliver growth post plan period.
 - **Option 3:** Significant release of industrial land (approx. 108 ha) in line with the borough's Industrial Land Strategy and housing trajectory and standard density approach for brownfield sites within the borough – could deliver 40,808 dwellings plus around a 5% buffer during the plan period and includes the delivery of a further 12,001 dwellings post plan period.
- 2.21.1 The preferred option is Option 3. The emerging SA findings are provided in Appendix E. As the Local Plan is still evolving, work on SA is still ongoing. An updated SA will be published alongside the Regulation 19 consultation of the Local Plan.
- 2.22 Barking and Dagenham falls partially within the zone of influence surrounding the Epping Forest Special Area of Conservation. A Habitats Regulation Assessments

screening has been undertaken to support the Local Plan to meet the legal requirements set out within *Article 6 of the EC Habitats Directive 1992* and interpreted into UK law by the *Conservation of Habitats & Species Regulations 2017*. An updated version of the HRA will be published alongside the Regulation 19 consultation of the Local Plan.

- 2.23 As the Local Plan is still evolving, work on Sustainability Appraisal, Habitats Regulation Assessments, Infrastructure Delivery Plan and Viability Assessment has also been undertaken in tandem. Additional evidence such as gypsy and traveller need assessment has been produced to support the Local Plan on issues arising from the consultation. A full Equality Impact Assessment has also been prepared in discussion with the Council. It is intended that these key evidence studies and supporting documents will be published alongside the Local Plan in October.

Duty to Co-operate and Statement of Common Ground

- 2.24 The Localism Act 2011 requires local planning authorities to engage constructively, actively, and on an ongoing basis, with other planning authorities and prescribed bodies and persons in respect of cross-boundary planning matters. This is a legal requirement to help maximise the effectiveness of Local Plan preparation.
- 2.25 The Duty to Cooperate Statement sets out details on the Council's engagement with other organisations as prescribed in Planning Policy Guidance and in the Town and Country Planning (Local Planning) (England) Regulations 2012) (as amended). Together with any Statements of Common Ground setting documenting cooperation on strategic cross boundary issues will be published alongside the Local Plan Regulation consultation.

Local Development Scheme (LDS)

- 2.26 The LDS sets out the timescales for preparing the new Local Plan. It ensures local communities and interested parties can monitor the progress of Local Plan documents. It also highlights other Supplementary Planning Documents being prepared by the Council including for example, the Thames Road Masterplan Supplementary Planning Document.
- 2.27 The LDS published in 2019 needs to be updated to reflect the new timetable for preparation of the new Local Plan, which was slightly delayed a consequence of changes to the London Plan and the impacts of COVID-19 for consultation. The dates for preparation of other Supplementary Planning Documents have also been updated.
- 2.28 These updates are set out in the Local Development Scheme (LDS) (2020) (see Appendix C). This will be published as soon as practical. An updated version is required to sure we are legally compliant with requirement for it to be up to date statement of the timeline for preparation of our Local Plan as set out in Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

Statement of Community Involvement

- 2.29 The Statement of Community Involvement Refresh (2020) (see Appendix D), sets out how the Council will engage with local and statutory stakeholders on planning matters in the borough. This follows consultation on the document in Autumn 2019 (as approved by Cabinet on 18 June 2019) and incorporates updates, where appropriate, in response to the matters raised set out in the [SCI Summary of Consultation Responses Report, September 2019](#). This will also be published alongside the Regulation 19 Local Plan.
- 2.30 The updates include modification in response to the impacts of the ongoing Coronavirus (COVID -19) pandemic including more of a focus on digital methods of engagement and more limited display of 'hard copy' planning documents. These also respond to the temporary changes to the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 which change the way local planning authorities are required to consult with local communities until 31 December 2020. These amendments to the regulations are to take into account the Government's required social distancing measures when consulting on planning matters including enabling publication of documents without corresponding legal requirements to have hard copies on display.
- 2.31 A set out the Cabinet Report 18 June 2019, a further review of this the Statement of Community Involvement is proposed to take place following the submission of the Local Plan by which stage impact of the Governments recently published planning reforms may also be clearer. The Local Development Scheme will be updated with any timeline for any the preparation of the SCI in due course.

Next Steps

- 2.32 It is vital that the timetable set out in the summary of this report, including the for consultation as in Section 4 below, is met so that the new Barking and Dagenham Local Plan can be adopted as quickly as possible to guide future development and help secure community benefits. The progress of the Local Plan and associated risks is closely monitored through a risk register, which is kept under review.
- 2.33 Following the publication of the Regulation 19 Local Plan and prior to the submission to the Secretary of State for the examination, the Council can prepare an addendum to the Regulation 19 Local Plan with proposed changes to modify the Local Plan for consideration by the Planning Inspector. If the Planning Inspector considers the proposed changes are appropriate, any major modifications suggested by the Council, along with any other major modifications that may arise during the course of the Independent Examination, will need to be the subject public consultation and a Sustainability Appraisal prior to adoption of the Local Plan. This consultation is limited to the major modifications and not the whole plan. If no major modifications are proposed, this stage does not apply.
- 2.34 The Planning Inspector will recommend whether the Regulation 19 Plan, as amended by the proposed modifications (if there are any) can be adopted at a meeting of Full Council.

3. Options Appraisal

3.1 The options considered were:

- Do not revise the Local Plan and rely instead on the adopted version
- Do a partial review of the Local Plan

3.2 These options were not considered viable as Local Planning Authorities are required to prepare an up to date Local Plan to guide development and shape the area in light of the latest policy requirements at national and regional level.

4. Consultation

4.1 The consultation on the Local Plan (Regulation 19 stage) is anticipated to start on 5 October 2020 and run for eight weeks until 29 November 2020. The start date for the consultation takes into account the 'call-in' period following the Cabinet. The consultation period exceeds statutory requirements and meets the standards set in the Statement of Community Involvement Refresh (2020).

4.2 In light of the current COVID -19 pandemic, we have revised SCI commitments. This complies with recent changes to regulations allow the Local Plan to be consulted on virtually until the end of this year as noted above.

4.3 The Addendum to the SCI Refresh (2020) outlines temporary changes in response to Covid-19 until 31 December 2020. The Addendum identified policies in the SCI which are inconsistent with government guidance to stay at home and socially distance from others, and sets out where necessary temporary amendments have been made so that we can continue to engage effectively with our local communities during the Local Plan (Regulation 19 Stage) consultation.

4.4 Due to the current closure of libraries and Council offices to the public, we will adopt alternative approaches to effectively engage with our communities by focusing on digital platforms, which may include:

- notifying interested parties by email and letter and receiving comments by email or by letter;
- advertising consultation materials on social media (e.g. Facebook, Twitter) and local press;
- making phone calls to interested parties (e.g. active community groups) to promote the Local Plan consultation; and
- using information hubs to present our consultation documents, for example, interactive story maps for showing proposed Site Allocations and planning policies.

4.5 The Local Plan will be published on the Council's website. Residents and stakeholders will be able to make comments on the document online, by email or by post. The website will also contain details of the Local Plan consultation which will also be publicised in the local press well in advance of the event.

5. Financial Implications

Implications completed by: Katherine Heffernan, Head of Service Finance

- 5.1 Financial implication comments have been provided prior to Cabinet meeting in July 2020. Given the nature of the documents, it is noted there is unlikely to be any significant financial risks.

6. Legal Implications

Implications completed by Dr Paul Field, 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** - 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 A: LBBD Draft Local Plan (Regulation 19 Consultation Version)
- Appendix B: LBBD Local Plan Member FAQs (July 2020)
- Appendix C: LBBD Local Development Scheme (2020)
- Appendix D: LBBD Statement of Community Involvement Refresh (2020)
- Appendix E: LBBD Local Plan Sustainability Appraisal (SA): Note on Reasonable Alternatives as part of the SA for the Local Plan (September 2020)