

Sustainable Development Select Committee			
Title	Local Plan Update	Item No	8
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Class	Part 1 (open)	Date	28 Oct 2019

1. Purpose

- 1.1. This report is intended to update Members on the progress of the new Local Plan for Lewisham.

2. Recommendation

- 2.1. The Select Committee is asked to note the content of this report.

3. Background

- 3.1. On 12th September 2018 a report was presented to Sustainable Development Select Committee (SDSC) on Lewisham’s Local Plan. This provided an overview of the reasons why the council is preparing a new plan, the timetable for its production and the scope of the new plan (i.e. which the currently adopted planning policy documents the new plan will replace). The SDSC report also highlighted some of the key opportunities and challenges that will need to be addressed by the new Local Plan in helping to deliver a “Lewisham for the many”. Finally, the report signposted key progress in the different areas of plan production, including early-stage engagement with Members and preparation of the evidence base studies which are needed to inform policy options.
- 3.2. Subsequent updates on the Local plan have been presented to SDSC on the 29th October, 12th December, 30th January 2019 and most recently on the 30th April 2019.
- 3.3. This paper provides a further update on the production of Lewisham’s new Local Plan and follows on from previous briefing reports. To avoid duplication of information, this report focusses on key progress made in the period since the last SDSC update in April 2019.
- 3.4. The Local Plan will be a critical document to support delivery of the Council’s Corporate Strategy 2018-2022 at all stages of its development. The plan is being prepared through ongoing engagement with members, key stakeholders, landowners, community groups, businesses and local residents. Early engagement with these groups, along with formal statutory public consultation, will help to ensure a deliverable plan with a strategic investment framework that meets the aspirations of local communities, whilst providing

robust planning policies to secure high quality, inclusive development and growth. The Local Plan will help deliver the following Priorities:

- Open Lewisham - Lewisham is a welcoming place of safety for all, where we celebrate the diversity that strengthens us.
- Tackling the housing crisis - Everyone has a decent home that is secure and affordable.
- Giving children and young people the best start in life - Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.
- Building an inclusive local economy - Everyone can access high-quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
- Delivering and defending: health, social care and support - Ensuring everyone receives the health, mental health, social care and support services they need.
- Making Lewisham greener - Everyone enjoys our green spaces, and benefits from a healthy environment as we work to protect and improve our local environment.
- Building safer communities - Every resident feels safe and secure living here as we work together towards a borough free from the fear of crime.

4. Overview of evidence base

4.1. In order to pass independent examination local plans are required to meet prescribed 'tests of soundness' as set out in the NPPF. This includes that they must be 'justified' by evidence. The process of plan making therefore involves a significant amount of information gathering at the front end of the process. This information is then used to set policy options and preferred approaches for the plan going forward.

4.2. Accordingly, much of the work at the early stages of Local Plan preparation was focussed on the production of the council's technical evidence base. This included in-house research along with the commissioning of specialist studies. Most of this evidence base has now been completed:

- **Strategic Housing Land Availability Assessment (SHLAA)**
- **Lewisham Strategic Housing Market Assessment (SHMA)**
- **Lewisham Character Study**
- **Retail Capacity Study and Subsequent Update**
- **Employment Land Study and Subsequent Update**
- **Open Space Assessment**
- **Assessment of Sites of Importance for Nature Conservation (SINC)**
- **Review of Public Houses**

4.3. Those remaining studies include:

- **Metropolitan Open Land (MOL) Review** – a review of the boundaries and physical extent of the designated Metropolitan Open Land within the Borough. The study will assess whether the MOL land is serving its principal functions, in line with national planning policy and guidance. Findings will inform considerations for any future amendments to the boundaries, which must be made through the plan process. **Status: Site assessments commenced.**
- **Strategic Flood Risk Assessment (SFRA)** – an update to the existing SFRA which will ensure that the latest available baseline information on flood risk is used to inform plan making and decision taking. **Status: Stage 1 Complete. See Section 7 for further details and appendix 3 for full document. – Stage 2 has commenced with DRAFT site portfolio.**
- **Infrastructure Delivery Plan** – developed in liaison with key infrastructure providers (both internal and external) this document sets out the infrastructure that is required to support the levels of planned growth in the borough, along with information on funding and delivery, and is regularly reviewed and updated. **Status: Final draft**
- **Integrated Impact Assessment, including Sustainability Appraisal / Strategic Environmental Assessment and Equalities Impact Assessment** – these social, economic and environmental assessments are a statutory requirement which are carried out iteratively throughout the plan process. **Status: Ongoing**
- **Tall Building Study** – an assessment to identify locations where tall buildings may be an appropriate form of development in principle within the borough and identifying any relative sensitivities. **Status: Final draft**
- **Local Plan Viability Study** – a detailed assessment of the viability of the Local Plan. The study will test bespoke policy approaches, including on affordable housing, to ensure these are viable and deliverable. This is a key evidence base document which is needed to support the Local Plan examination. **Status: BNP Paribas appointed, project commenced**

4.4. All evidence base documents will be made publicly available as appropriate (accessible on the council's planning webpages) as they are finalised. The evidence base will be published alongside the submission Local Plan and be subject to scrutiny through the independent examination process.

5. Members briefings

5.1. In order to ensure that Members are engaged throughout the plan process and have an opportunity to influence its direction, the Strategic Planning Team has facilitated a series of All Members Briefings. To-date, 4 sessions

have been held, two held in July 2018, one held in October 2018 and the most recent one taking place in July 2019.

- 5.2. The first session (July 2018) focused on the plan making process and some of the key challenges and opportunities arising through the plan review.
- 5.3. The second sessions (July 2018) set out the 'direction of travel' on the new plan and potential broad strategic options for the spatial strategy.
- 5.4. The third session (Oct 2018) agreed the 'strategic objectives' for the new Local Plan with members and outlined the emerging spatial strategy for the borough. The 'strategic objectives' will frame the strategy and detailed policies for the plan, and will ultimately help to ensure that the plan helps give effect to the new corporate strategy.
- 5.5. At the most recent session on 15th July 2019, officers presented an overview of the draft development management policies and the draft site portfolio:
 - The Development Management policies cover the detailed requirements and standards we would expect all new development to comply with. These policies cover a wide range of topic areas including housing, employment land, town centres, open space and climate change resilience.
 - The draft site portfolio contains the emerging portfolio of strategic development sites. These sites are being considered for inclusion as site allocation policies in the new plan. The sites will help us to meet our future housing, employment, and town centre/retail targets, along with other local needs, and safeguard land for strategic infrastructure, such as for transport.
- 5.6. A package of Local Plan documents covering the above was circulated to all members before and after the session for comments, feedback and/or clarifications.
- 5.7. We would very much welcome any further feedback on these documents from members. Subject to approval, officers anticipate public consultation on a draft plan in early 2020, so this is an opportunity to provide comments and shape the direction of document before it goes through the formal committee cycle.

6. Landowner Survey

- 6.1. Following on from the Draft Site Portfolio work officers have undertaken a Landowner Survey carried out for 6 weeks during September-October 2019.
- 6.2. The purpose of the survey was to engage with landowners of potential strategic sites that make up the Local Plans Draft Site Portfolio at an early stage, before going out for a wider, more formal public consultation in 2020.

This was an opportunity for the landowners to inform us of their aspirations and so that we gain a greater understanding of:

- Site ownership and boundaries;
- Aspirations to develop the site;
- Whether there is a realistic chance of the site being developed;
- The type of development they may wish to develop;
- Other benefits that could arise from developing the site;
- When development is likely to occur;
- Any barriers that might delay or constrain development and how they can be overcome.

6.3. Whilst this initial survey was specifically targeted at a select number of landowners, there will be further, formal opportunities for Councillors, landowners, leaseholders, developers and the public to comment on the sites included, as the Local Plan progresses towards adoption. This early stage engagement with landowners is crucial, as Planning Inspectors are now scrutinising the 'deliverability' of site allocations at examination than they have done in the past.

7. Financial implications

7.1. As this is an information item there are no direct financial implications arising from this report.

8. Legal implications

8.1. As this is an information item there are no direct legal implications arising from this report.

9. Crime and disorder implications

9.1. There are no crime and disorder implications arising from this report.

10. Equalities implications

10.1. The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.

10.2. This report does not have any direct equalities implications.

10.3. The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.4. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

10.5. It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed at 10.4 above.

10.6. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. The Mayor must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

10.7. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice>

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

10.8. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty: A guide for public authorities
- Objectives and the equality duty. A guide for public authorities
- Equality Information and the Equality Duty: A Guide for Public Authorities

10.9. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to.

It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance#h1>

11. Conclusion

- 11.1. The Committee is asked to note the content of this report setting out an update on work being undertaken by officers. If you have any questions about this report please contact David Syme, Strategic Planning Manager
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